

## Washington, Thursday, February 11, 1943

### The President

## EXECUTIVE ORDER 9301

ESTABLISHING A MINIMUM WARTIME WORK-WEEK OF FORTY-EIGHT HOURS

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower, it is hereby ordered:

1. For the duration of the war, no plant, factory or other place of employment shall be deemed to be making the most effective utilization of its manpower if the minimum workweek therein is less than 48 hours per week.

2. All departments and agencies of the Federal Government shall require their contractors to comply with the minimum workweek prescribed in this order and with policies, directives, and regulations prescribed hereunder, and shall promptly take such action as may be necessary

for that purpose. 3. The Chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives, and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The Chairman of the War Manpower Commission is authorized to establish a minimum workweek greater or less than that established in section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum workweek or other action would more effectively contribute to the war effort and promote the purposes of this order.

4. All departments and agencies of the Federal Government shall comply with such policies, directives, and regulations as the Chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services, and personnel, and take such action under authority vested in them by law, as the Chairman determines to be necessary to effectuate the

purposes of this order and promote compliance with its provisions.

5. Nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary workweek, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act (Act of June 25, 1938; 52 Stat. 1060; 29 U.S.C. 201 et seq.) or any other Federal, State or local law relating to the payment of wages or overtime.

### FRANKLIN D ROOSEVELT

### THE WHITE HOUSE.

February 9, 1943.

[F. R. Doc. 43-2162; Filed, February 10, 1943; 11:20 a. m.]

## Regulations

## TITLE 7—AGRICULTURE

Chapter X—Food Production Administration

[Interpretation 4 Under Food Production Order 3]

### PART 1202—FARM MACHINERY AND EQUIPMENT

The following is an interpretation of \$ 1202.218 (b) of Food Production Order 3 (7 F.R. 9647; 8 F.R. 945).

### INTERPRETATION 4

Section 1202.218 (b) requires that, if the Director of Food Production has pursuant to \$1202.207 announced that no quotas will be presently established for any type of Schedule I equipment, an applicant shall, in addition to his application, file with the county farm rationing committee a written certification that he has located in the hands of a dealer or a mail order house the Schedule I equipment for which application is made and that to his best knowledge such Schedule I equipment so located will be transferred to him if he is granted a purchase certificate. The purpose of this section is to prevent the issuance of purchase certificates for non-quota Schedule I equipment in excess of the amount of non-quota equipment produced and made available for use.

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The question has arisen whether under this section of the order the machinery applied for must be physically in the hands of the dealer or mail order house before the applimay make the certification. Section 1202.218 (b) does not require physical location. It is sufficient if the dealer states to the applicant that such dealer will be able to obtain such a machine for delivery to the applicant within a reasonable time. The machinery may be actually located in the manufacturer's hands, the distributor's hands manufacturer's hands, the distributor's hands or in a branch house or other distribution point through which the dealer normally obtains the equipment called for. If the dealer can make such a statement to the applicant, the applicant will be able to certify in writing that he has located such equipment in the hands of a dealer. As far as mail order houses are concerned, the requirement is satisfied if the equipment sought by the applicant is listed in the then current mail order catalog. If the equipment is found in the catalog, the applicant is entitled to make the certification required by \$1202.218 (b).

If a dealer or mail order house receives a

If a dealer or mail order house receives a purchase certificate for such an item of farm machinery and equipment and is unable within a reasonable time to make delivery of such item, such dealer or mail order house shall, after the passage of such reasonable time, return the purchase certificate to the issuing county farm rationing committee.

Issued this 10th day of February 1943. M. CLIFFORD TOWNSEND, Director of Food Production.

[F. R. Doc. 43-2180; Filed, February 10, 1943; 11: 39 a. m.]

[Food Production Order 8]

PART 1220-OILSEEDS OILSEED MEAL

Pursuant to the authority vested in the Secretary of Agriculture by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate production of food to meet war and civilian needs. It is hereby ordered, That:

§ 1220.1. Oilseed meal—(a) tions. For the purposes of this order:
(1) "Oilseed meal" means cotton seed

oil meal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake of merchantable quality for feeding purposes.

(2) "Person" means any individual, partnership, corporation, association, or any other organized group of "persons," and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "per-son" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(3) "Acquire" means to purchase, obtain by barter, exchange, crushing or otherwise, accept delivery of, or contract

to do any of the foregoing.

(4) "Organic nitrogen" means nitrogen derived from any plant or animal organism containing nitrogen, including, but not limited to, animal, fish and other tankages, castor pumace, tobacco stems, cotton seed meal, peanut meal, soy bean meal, sewage sludge, cocoa shell meal, peat and humus.
(5) "Director" means the Director of

Food Production, or, in his absence, the Acting Director of Food Production.

(b) Prohibition of purchase and use of oilseed meal in mixed fertilizer for sale. (1) No person shall acquire any oilseed meal for use in the manufacture of mixed fertilizer for sale, or use any oilseed meal acquired subsequent to January 2, 1943, in the manufacture of mixed fertilizer for sale, except that the foregoing prohibitions shall not apply to:

(i) The acquisition and use of cottonseed oil meal or cake for such purpose, provided (a) such cottonseed oil meal or cake is acquired from a farmer who acquired such meal or cake prior to January 2, 1943, and (b) the organic nitrogen content thereof, together with the total quantity of organic nitrogen otherwise acquired prior to the date of such acquisition for use during the period from July 1, 1942 to June 30, 1943, in the manufacture of mixed fertilizer for sale, does not exceed 80 per centum of the quantity of organic nitrogen used for such purpose during the period from July 1, 1941 to June 30, 1942.

(ii) The acquisition or use of cotton-

seed oil meal or cake for such purpose, provided (a) approval of the quantity of cottonseed meal or cake so acquired or used is first obtained from the Director and (b) the mixed fertilizer in which such cottonseed meal or cake is used is sold for use only on citrus fruits, cigar leaf tobacco, and the vegetable crops listed in Schedule III of Food Production Order No. 5 (Chemical Fertilizer), issued by the Secretary of Agriculture on January 18, 1943 (8 F.R. 947). (c) Prohibition of sales of oilseed meal. No person shall dispose of any oilseed meal if he knows or has reason to believe that the acquisition of such oilseed meal would be in violation of this order.

(d) Sale of oilseed meal which cannot be delivered because of this order. Any person who has a contract for the delivery of oilseed meal which he is unable to deliver because of the prohibitions of this order shall be, and hereby is, authorized promptly to offer such oilseed meal for sale to feeders, feed dealers or feed manufacturers for feeding poultry and livestock.

(e) Certificate. Any person disposing of any oilseed meal may require a certificate in substantially the following form from the person to whom such oil-

seed meal is to be delivered:

The undersigned certifies to the Director of Food Production that he is familiar with the provisions of Food Production Order No. 8 issued by the Secretary of Agriculture on February 9, 1943; and that the oliseed meal covered by the order to which this certificate is affixed will not be manufactured into mixed fertilizer for sale, or that such oilseed meal is cottonseed oil meal or cake and that its acquisition is authorized under one of the exceptions specified in sald Food Production Order.

Date

## Purchaser

### Address

(f) Existing contracts. The restrictions imposed by this order shall be effective notwithstanding any contract or commitment to the contrary.

(g) Records and reports. Every person who manufactures mixed fertilizer for sale shall maintain for not less than two years accurate records concerning all purchases, sales, and deliveries of oilseed meal and the quantity of cottonseed oil meal and cake used by him in the manufacture of mixed fertilizer and shall maintain such other records, execute and file such reports upon such forms, and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe. (Record keeping and reporting requirements approved by the Bureau of the Budget.)

(h) Audits and inspections. Every person subject to this order shall, upon request, permit inspection at all reasonable times by duly authorized representatives of the Department of Agriculture of his stocks of oilseed meals and mixed fertilizers and of the premises used for crushing, processing, manufacturing or storing oilseed meals and mixed fertilizers; and all of his books, records and accounts shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Department

of Agriculture.

(i) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth all pertinent facts and information and the nature of the relief sought. The

Director, upon the basis of such application and other information, may take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

(j) Violations. Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or who conspires with another to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any oilseed meal or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the Secretary of Agriculture, and may be deprived of any priority assistance. Further, the Director of Food Production may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order or any amendment or supplement thereto be denied the right to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(k) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the United States Department of Agriculture, Food Production Administration, Washington,

D. C., Ref. FPA 8.

(1) Oelegation of authority. The administration of this order and the powers conferred upon the Secretary of Agriculture by Executive Order No. 9280, insofar as such powers relate to the administration of this order, are hereby delegated to the Director or in his absence to the Acting Director. The Director of Food Production shall be assisted in the administration of this order by such employees of the Department of Agriculture as he may designate, and such employees are hereby authorized to administer the provisions of this order.

(m) Effect on Commodity Credit Corporation Oilseed Order No. 7. Oilseed Order No. 7. Oilseed Order No. 7, issued by the Commodity Credit Corporation on December 31, 1942 (8 F.R. 41), is superseded by this order: Provided, however, That the said Oilseed Order No. 7 shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred prior to the effective date of this order under or pursuant to the terms of the said Oilseed Order No. 7.

(n) Effective date. This order shall become effective 12:01 a. m., e. w. t., February 10, 1943.

(E.O. 9280, 7 F.R. 10179)

Done at Washington, D. C. this 9th day of February, 1943. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-2179; Filed, February 10, 1943; 11:39 a. m.]

### Chapter XI—Food Distribution Administration

[Food Distribution Order 19]
PART 1455—SPICES

CONSERVATION AND DISTRIBUTION OF SPICES

Pursuant to the authority vested in me by Executive Order 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of spices to meet war and civilian needs, It is hereby ordered, As follows:

§ 1455.1 Conservation and distribution of restricted spices—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof: (1) The term "person" means any in-

(1) The term "person" means any individual, partnership, corporation, association, or other business entity.

(2) The term "restricted spice" means any specific spice which, during any quota period, is subject to a quota determined for that period by the Director, and shall include such spice in ground, unground, distilled, mixed, or other form.

(3) The term "bulk dealer" means any person who deals in restricted spices exclusively in original import packages.

(4) The term "packer" means any person who grinds, distils, or packs restricted spices owned by him, or has such spices ground, distilled, or packed for his account by some other person, for resale.

(5) The term "receiver" means any person who accepts delivery of restricted spices for resale at wholesale or retail or for use in operating a public or private commercial or institutional eating place, but such term shall include neither any bulk dealer nor any person in the quotaexempt classes listed under paragraph (b) (2).

(6) The term "industrial user" means any person who uses restricted spices in the manufacture or processing of any

other product for resale.

(7) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(8) The term "common weight equivalent" means the number of pounds of distilled or extracted restricted spice that may be obtained from a given number of pounds of the same spice in dry form (ground or unground) where a quota for any person is computed under this order as a certain number of pounds of a restricted spice in dry form (ground or unground), or the number of pounds of a restricted spice in dry form (ground or unground) that it takes to yield a given number of pounds of the same spice in distilled or extracted form where a quota for any person is computed under

this order as a certain number of pounds of a restricted spice in distilled or extracted form,

(b) Quota restrictions. (1) Except as permitted in paragraphs (b) (2), (b) (3), and (b) (4) below, no packer shall deliver, no receiver shall accept, and no industrial user shall use more of any restricted spice during any quota period than his quota thereof for that period, such quota period and quota to be determined by the Director from time to time.

(2) Any person may, without charge to his quota, deliver or accept for delivery any restricted spice to any of the following persons, or may use any restricted spice in the manufacture or processing of any product to be so delivered, or for replacing in his inventory any restricted spice so delivered or used:

(i) The Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or any other governmental agency designated by the Director, or any agency of the United States Government for supplies to be delivered to, or for the account of, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The American National Red Cross or the United Service Organizations,

Inc.

(iii) Any person operating an oceangoing vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessel.

(iv) Any person for retail sale through concession restaurants at Army, Navy, Marine Corps, or Coast Guard camps or through outlets not operated for private profit and established primarily for the use of Army, Navy, Marine Corps, or Coast Guard personnel within or on Army, Navy, Marine Corps, or Coast Guard establishments or vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship service stores.

(3) During the first third of any quota period, any person may utilize any unused portion of such person's quota for the preceding quota period. During the last third of any quota period, any person may utilize any portion of such person's anticipated quota for the subsequent quota period: Provided, however, That if the quota for such subsequent quota period is reduced by the Director after such anticipatory utilization has been made, the amount of any excess anticipation shall be charged against the quota for the next subsequent quota period.

(4) The restrictions of paragraph (b)
(1) shall not apply to any deliveries of restricted spices in the original import packages by a packer to another packer or to a bulk dealer. In determining a packer's volume of receipts or deliveries of restricted spices during any base period specified for computing a quota, no packer shall include any receipts or deliveries made in the original import packages to other packers or to bulk

dealers.

(5) The base period for any person who was not in business during any base period specified by the Director for computing a quota hereunder shall be the earliest period of equal length that such person was in business after the beginning of the base period specified.

(6) All quotas hereunder shall be computed in terms of pounds and in terms

of a common weight equivalent.

(c) Distribution restrictions. (1) No person shall accept restricted spices from any packer or receiver, and no person shall deliver restricted spices to any other person, with knowledge or reason to believe that such packer or receiver is not entitled to deliver or that such other person is not entitled to accept such restricted spices pursuant to this order.

(2) Every packer and every receiver shall sell restricted spices equitably to purchasers and shall not favor purchasers who buy other products from them or discriminate against purchasers who do not buy other products from them.

(d) Inventory restrictions. Except for the purpose of filling orders under para-

graph (b) (2) above:

(1) No receiver shall accept delivery of any restricted spice which will increase such receiver's inventory thereof to an amount in excess of the amount of his then current quota of such spice.

(2) No industrial user shall accept delivery of any restricted spice which will increase his inventory thereof to an amount in excess of a practicable minimum working inventory in view of the restrictions herein relating to his use of such spice.

(3) No receiver who had an excess inventory of any restricted spice on May 8, 1942, may sell or deliver more than a 90day supply of such spice during any quota period in which the balance of such inventory at any time exceeds a 90-day supply. During any quota period, a 90day supply shall be an amount equivalent to the receiver's acceptance quota of the restricted spice for that quota period. An excess inventory shall be considered to have existed on May 8, 1942, if, on that date, the receiver was subject to a quota and his inventory of any restricted spice (excluding any inventory then in retail stores or outlets owned by him) was more than twice the amount of his acceptance quota for the month of May

(e) Records and reports. Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(f) Audits and inspections. Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of spices and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(g) Applicability of order. (1) Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(2) In the case of any person who combines two or more of the businesses of a packer, a receiver, or an industrial user, the provisions hereof applicable to each such business shall apply separately to such of his operations as are part of such class of business. However, any packer who distributes his entire production of restricted spices through a wholesale subsidiary company may elect to consider the two companies as one and apply his quota to deliveries made by the subsidiary company.

(3) Any person who operates more than one unit (branch, division, store, subsidiary company, or other similar unit) in the same class of business may, at his election, consider any such units or groups of units as separate persons for purposes of applying the quota and inventory restrictions of this order.

(h) Violations. Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(i) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(j) Communications to Department of Agriculture. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United

States Department of Agriculture, Washington, D. C. Ref.: FD-19.

(k) Conservation Order M-127 superseded. This order supersedes in all respects Conservation Order M-127 of the War Production Board, as amended September 25, 1942, (7 F.R. 7590), except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Conservation Order M-127, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M-127, as amended, shall be considered under paragraph (i) hereof.

(E.O. 9280, 7 F.R. 10179)

Issued this 8th day of February 1943.

[SEAL] PAUL H. APPLEBY,

Acting Secretary of Agriculture.

[F. R. Doc. 43-2132; Filed, February 9, 1943; 2:09 p. m.]

> [Food Distribution Order 19-1] PART 1455—SPICES

QUOTAS FOR RESTRICTED SPICES FIXED

Pursuant to the authority vested in me by Food Distribution Order 19, dated February 8, 1943, issued pursuant to Executive Order No. 9280, dated December 5, 1942, and to effectuate the purposes of such orders, It is hereby ordered, As follows:

§ 1455.2 Quotas for restricted spices.
(a) For the 3-month period commencing January 1. 1943, and for each subsequent 3-month period until otherwise ordered, the quota of any restricted spice, as listed below, for any packer, any receiver, or any industrial user shall be the percentage listed below of the amount of such spice delivered by him (if he was a packer), accepted by him (if he was a receiver), or used by him (if he was an industrial user), during the corresponding period of 1941, or during such other base period as is provided for in paragraph (b) (5) of Food Distribution Order No. 19:

Quota	
Restricted spice: percentag	7e
POTENTIAL CONTRACTOR OF THE PO	90
	50
Cloves 10	1000
	15
	75
	75
	75
	75

(b) In place of a quota computed pursuant to paragraph (a) above, any person may avail himself of a quota of a total of 100 pounds of any restricted spice or any combination of restricted spices.

(c) In place of a quota of white pepper computed pursuant to paragraph (a) above, any person may substitute a quota of black pepper, computed by applying the quota percentage specified for black pepper to the base quantity of white pepper specified in paragraph (a) above.

(d) This order shall be effective as of the close of business on December 31, 1942.

(e) This order supersedes in all respects Supplementary Order M-127-b of the War Production Board, as amended January 4, 1943 (8 F.R. 111), except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Supplementary Order M-127-b, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

Any appeal pending under said Supplementary Order M-127-b, as amended, shall be considered as an appeal from this order.

(E.O. 9280, 7 F.R. 10179; F.D.O. 19)

Issued this 8th day of February 1943.

[SEAL] ROY F. HENDRICKSON,

Director of Food Distribution.

[F. R. Doc. 43-2133; Filed, February 9, 1943; 2:09 p. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency [NHA General Order 60-2]

PART 702-PRIVATE WAR HOUSING

OCCUPANCY AND DISPOSITION OF PRIVATE
WAR HOUSING

The National Housing Agency is responsible for the proper occupancy of housing programmed for war workers and for the adoption of regulations assuring that war housing will be held available for eligible war workers for the duration of the national emergency declared by the President on September 8, 1939, (4 F.R. 3851). The purpose of this general order is to set forth the private housing to which occupancy standards apply, the persons who are eligible war workers for such housing, the length of time such housing must be held for their use, the conditions under which such housing may be transferred or sold. and the conditions under which occupancy standards applicable to such housing may be modified or removed.

702.1 Private war housing to which occupancy standards apply.

702.2 Persons who are eligible war workers.
702.3 Length of time private war housing must be reserved for occupancy by eligible war workers.

702.4 Disposition of private war housing.

AUTHORITY: \$\$ 702.1 to 702.4, inclusive, issued under E.O. 9070, 7 FR. 1529, 12 CFR 222.8 (e).

§ 702.1 Private war housing to which occupancy standards apply. (a) Private war housing to which occupancy standards apply are the following:

(1) All new housing, and the additional housing accommodations created by remodeling or rehabilitation, which received or receives priority assistance or authority to begin construction as follows:

(i) Application for priority assistance was submitted prior to February 10, 1943, on Form PD-105 and received or receives priority assistance through Preference Rating Order No. P-55, or

(ii) Application for priority assistance or authority to begin construction is submitted on or after February 10, 1943, on Form PD-105 (Revised 2-10-43) if Section B thereof is executed:

(2) All new housing, and the additional housing accommodations created by remodeling or rehabilitation, which received or receives either priority assistance or authority to begin construction, as a result of submitting an application for such assistance or authority

on Form PD-200, if such application was accompanied by the form Applicant's Supplemental Certification and if such housing was not to be occupied by the owner;

owner;
(3) The additional housing accommodations created by remodeling or rehabilitation financed under Class 1 (b) of Title I of the National Housing Act;

(4) Housing financed under Class 3 of Title I of the National Housing Act for which an application was or is submitted to the local office of the Federal Housing Administration:

(i) Prior to February 10, 1943, and such application was accompanied by, or supplemented with, a War Housing Statement Form, or

(ii) On or after February 10, 1943, and the applicant also executes section B of Form PD-105 (Revised 2-10-43) in connection with such housing;

(5) Housing financed with a mortgage loan insured by the Federal Housing Administration under section 603 of Title VI of the National Housing Act for which an application was submitted to the local office of the Federal Housing Administration:

(i) Prior to February 10, 1943, and such application was accompanied by, or supplemented with, FHA Form 2004 (e), or

(ii) On or after February 10, 1943;

(6) Housing financed with a mortgage loan insured by the Federal Housing Administration under section 608 of Title VI of the National Housing Act; and

(7) The additional housing accommodations created by remodeling or rehabilitation in projects designated as "defense housing", by either the Division of Defense Housing Coordination or the National Housing Agency, in order to exempt such housing from the Consumer Credit Regulations.

(b) For the purposes of this general order, private war housing is "begun" on the date of submitting to the Federal Housing Administration a properly executed application for priority assistance or authority to begin construction in connection with such housing; or, if remodeling or rehabilitation of any private war housing did not receive priority assistance or authority to begin construction, such housing was "begun" either on the date a properly executed application was filed under Title I, Class 1 (b), of the National Housing Act in connection with such housing, or on the date a properly executed application for exemption from the Consumer Credit Regulations was submitted to a registrant in connection with such housing.

(c) For the purposes of this general order, the date of "completion" of any private war housing shall be the date upon which such housing is offered for initial rental or sale, or the date upon which such housing is first ready for immediate occupancy, whichever is later.

(d) The phrase "held for rental" includes only an ordinary landlord-tenant relationship or such a tenancy coupled with an option to purchase containing the following provisions:

(1) The tenant shall not be obligated to purchase and the option shall run only in behalf of the tenant; (2) No payment shall be required in any one month in addition to the listed monthly payment while a tenant, which monthly payment shall not exceed the fair rental for the dwelling unit under an ordinary landlord-tenant relationship not coupled with an option to purchase;

(3) The monthly payment while a tenant shall not be in excess of rental for

comparable accommodations;

(4) The total purchase price shall be a fair market price, or \$6000, whichever is lower;

(5) The option may not be exercised prior to the expiration of four months' occupancy;

(6) The option shall continue in effect for at least 30 months unless sooner

exercised; and

(7) The occupancy and disposition provisions shall continue to apply to such housing after the option is exercised, or terminated, for the duration of the national emergency declared by the President on September 8, 1939.

§ 702.2 Persons who are eligible war workers. (a) For private war housing begun on or after February 10, 1943, an eligible war worker shall be only a person who qualifies under the provisions of NHA General Order No. 60–1.

- (b) For private war housing begun prior to February 10, 1943, an eligible war worker shall be only a person who qualifies under the provisions of the application (and other instruments related thereto) for priority assistance or authority to begin construction, FHA insurance, or exemption from the Consumer Credit Regulations submitted in connection with such housing; or, at the option of the owner of such housing, a person who qualifies under the provisions of NHA General Order No. 60-1.
- § 702.3 Length of time private war housing must be reserved for occupancy by eligible war workers. (a) Private war housing begun on or after February 10. 1943, shall be made available for initial occupancy, and for reoccupancy, only by eligible war workers: Provided, however, That at any time subsequent to 60 days after completion of such housing, the owner of such housing may petition the National Housing Agency to permit initial occupancy, or reoccupancy, as the case may be, by a person other than an eligible war worker, in accordance with NHA General Order No. 60-3 (§§ 702.10 to 702.12).
- (b) Private war housing begun prior to February 10, 1943, shall be made available for initial occupancy, and for reoccupancy, by eligible war workers for at least the period of time after completion specified in the application (and other instruments related thereto) for priority assistance or authority to begin construction, FHA insurance, or exemption from the Consumer Credit Regulations submitted in connection with such housing. Whenever any such application (or other instruments related thereto) provided for an exclusive preference to eligible war workers for a specified time, such exclusive preference shall be so given for at least such specified time; and whenever any such application (or other instruments related thereto) pro-

vided for merely a general preference to eligible war workers, at least such general preference shall be so given for at least such specified time.

§ 702.4 Disposition of private war housing. (a) Private war housing begun on or after February 10, 1943, shall be held for rental only to eligible war workers for the duration of the national emergency declared by the President on September 8, 1939, and, except for involuntary transfers, shall be disposed of only as follows:

 An occupant, after four months' occupancy, may purchase the private war housing unit occupied by him subject to

NHA General Order No. 60-3,

(2) A person who will not himself occupy such housing may purchase or otherwise acquire such housing at any time, in accordance with NHA General Order No. 60-3, provided the occupancy and disposition limitations applicable to such housing prior to such purchase or acquisition shall continue to be applicable to such housing after such purchase or acquisition, or

(3) At any time subsequent to 60 days after completion of any such housing, the owner of such housing may petition the National Housing Agency, in accordance with NHA General Order No. 60-3, to permit such housing to be disposed of otherwise than as provided in this para-

graph (a)

(b) Private war housing begun prior to February 10, 1943, shall be rented, sold, or transferred only in accordance with the provisions of the application (or other instruments related thereto) for priority assistance, authority to begin construction, or exemption from the Consumer Credit Regulations submitted in connection with such housing, except that whenever any such application for priority assistance or authority to begin construction, Provided, That such housing could be disposed of, with the prior approval of the War Production Board, otherwise than as stated in such application, a prior approval by the National Housing Agency (instead of by the War Production Board) shall be required in order to dispose of such housing otherwise than as stated in such application. NHA General Order No. 60-3 sets forth the provisions regarding the disposition of such housing.

> LYMAN S. MOORE, Assistant Administrator.

[F. R. Doc. 43-2118; Filed, February 9, 1943; 12:13 p. m.]

[NHA General Order 60-3]

PART 702—PRIVATE WAR HOUSING

METHODS OF DISPOSITION OF PRIVATE WAR HOUSING

Methods of disposition of private war housing including rent levels, sales prices, and petitions to National Housing

The National Housing Agency occupancy and disposition policies applicable to all private war housing are stated in NHA General Order No. 60-2 (§§ 702.1 to 702.4). The purpose of this order is

to promulgate regulations implementing such policies.

Sec.

702.10 Definitions.

701.11 Disposition of private war housing.702.12 Adjustment of rent or sale price.

AUTHORITY: §§ 702.10 to 702.12, inclusive, issued under E.O. 9070, 7 F.R. 1529, 12 CFR 222.8 (e).

§ 702.10 Definitions. (a) As used in this order, the following terms are defined as follows:

(1) "Private war housing", "begun", "completion", and "held for rental" shall have the meaning ascribed to them in NHA General Order No. 62-2;

(2) "Sale price" means the total consideration paid by the purchaser, excluding those incidental charges which a purchaser of real estate customarily assumes in the community where the real estate is located;

(3) "Shelter rent" means the total rent less reasonable allowances for ten-

ant services;

(4) "Tenant services" means those services and utilities which are customarily provided and paid for by a lessor of an unfurnished dwelling unit in the community where the real estate is located; household furniture for a furnished dwelling unit is not included in "tenant services".

(5) "Room" means only a living room, dining room, sleeping room, or kitchen, except that a kitchenette or dinette is considered as one-half room each.

§ 702.11 Disposition of private war housing. (a) For the duration of the national emergency declared by the President on September 8, 1939, all private war housing begun on or after February 10, 1943, shall be held for rental to eligible war workers as provided in NHA General Order No. 60-2, at the rentals specified in the application for priority assistance or authority to begin construction submitted in connection with such dwelling units, which rentals (unless otherwise authorized in § 702.12) shall in no event exceed \$50 per month shelter rent per unfurnished dwelling unit plus a reasonable charge for tenant services (in no event, exceeding \$3 per month per room); and, except for involuntary transfers, shall be disposed of only as follows:

(1) A dwelling unit in a private war housing project may be purchased by an occupant (initial occupant or reoccupant), after four months of continuous occupancy by such occupant if

(i) The sale price (except as provided in § 702.12) is not in excess of the fair market price thereof, or \$6,000, whichever is lower,

(ii) The purchaser is an eligible war worker under the provisions of NHA

General Order No. 60-1, and

(iii) The owner submits to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60-1), properly executed by the purchaser, stating that such purchaser will continue to occupy the dwelling unit or will hold the dwelling unit subject to all occupancy and disposition provisions set forth in NHA General Order No. 60-2.

A sale may be made under paragraph (a) (1) without obtaining further approval from the National Housing Agency: Provided, The above-mentioned Form NHA 60-1 is submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, immediately following such sale.

(2) Any such housing may be transferred to a person who will not occupy any part of such housing or his (or her)

own dwelling, if

(i) The sale price (except as provided in § 702.12) of each dwelling unit in such housing is not in excess of the fair market price thereof, or \$6,000, whichever is

lower, and
(ii) The transferor submits to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, agreement in the prescribed form (Form NHA 60-1), properly executed by the transferee, stating that such transferee will hold the premises subject to all occupancy and disposition provisions set forth in NHA General Order No. 60-2.

A transfer may be made under this paragraph (a) (2) without obtaining further approval from the National Housing Agency: Provided, The above-mentioned Form NHA 60-1 is submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration. immediately following such transfer.

(iii) At any time subsequent to 60 days after completion of any private war housing, the original owner, or any subsequent owner, of such housing may petition the National Housing Agency to permit such housing to be disposed of otherwise than as provided in § 702.11 (a). Any such petition shall be submitted to a National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-2. Each National Housing Agency Regional Representative is hereby authorized to grant such relief to persons who petition under this paragraph as the National Housing Agency Regional Representative deems appropriate, in the particular case, by relaxing the occupancy and disposition provisions applicable to such housing. Any relaxation of such occupancy and disposition provisions may permit a shortening of any holding period applicable to such housing or a liberalization of the definition of eligible war worker applicable to such housing, or both; may permit a change in rent level or sale price in accordance with § 702.12, in exceptional cases, where the National Housing Agency Regional Representa-tive determines that there is no further need for reserving such housing for eligible war workers, the occupancy and disposition provisions may be removed entirely from such housing.

(b) All private war housing begun prior to February 10, 1943, the ownership of which has been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner without exception. (c) All private war housing begun prior to February 10, 1943, which has not been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner except that for the duration of the national emergency declared by the President on September 8, 1939 (4 F.R. 3851):

(1) Rentals or sales prices (except for involuntary transfer and except to the extent approved prior to February 10, 1943, by the War Production Board, or subsequent to February 10, 1943, by the National Housing Agency) shall not exceed the respective maximum amounts permitted by the conditions of the application (or other instruments related thereto) for priority assistance, authority to begin construction, or exemption from the Consumer Credit Regulations (7 F.R. 3351) submitted in connection with such housing; and the requirements of such application (or other instruments related thereto) with respect to occupancy preference to war workers shall be complied with: or

(2) All such housing constructed with priority assistance, or with authority to begin construction, obtained from the War Production Board by filing an application for such assistance or authority on Form PD-105 (Revised 4-23-42), or Form PD-200 accompanied by a form Applicants' Supplemental Certification if such application was for authority to begin construction of housing not to be occupied by the owner, may be disposed of, except for involuntary transfers, only as provided in such application or as

follows:

(i) If such application did not provide for sale, such housing may be sold subject to the provisions set forth in § 702.11

(a) or

(ii) If such application did not provide for rent or lease-option, such housing may be rented, with or without an option to purchase, after the National Housing Agency Regional Representative for the area in which such housing is located has approved the initial rent or the lease-option payments for such housing. Any petition requesting such an approval of the initial rent or the lease-option payments for such housing shall be submitted to a National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-3. Each National Housing Agency Regional Representative is hereby authorized to approve in the particular case the amount of such initial rent or lease-option payments.

§ 702.12 Adjustment of rent or sale price. (a) The initial rent charge prior to any occupancy or the sale price for any housing accommodations in a private war housing project may be increased over the amount provided therefor in § 702.11 only when approved by the National Housing Agency. The owner of any such housing may petition the National Housing Agency to permit an increase in rent charge or sale price at any time. Any such petition shall be submitted to the National Housing Agency Regional Representative, through the local office of the Federal

Housing Administration, on a properly executed Form NHA 60-4. Each National Housing Agency Regional Representative is hereby authorized to grant such relief as he deems appropriate in the particular case, provided the petition for relief shows clearly that the owner has incurred, or will incur, costs in the construction of such housing, over which the owner had or has no control, in excess of the costs estimated originally in connection with such housing.

(b) Any request for permission to increase the rent charge for any private war housing after such housing has been occupied initially must be submitted to the local office of the Office of Price

Administration.

LYMAN S. MOORE. Assistant Administrator.

[F. R. Doc. 43-2119; Filed, February 9, 1943; 12:13 p. m.]

[NHA General Order 60-4]

PART 704-EXCEPTIONS OF CREDITS FOR DE-FENSE HOUSING FROM CONSUMER CREDIT REGULATIONS

ORDER DELEGATING AUTHORITY TO CREDITORS AND LENDERS

Order delegating authority to creditors and lenders to except remodeling and rehabilitation credits from Consumer

Credit Regulations.

Section 222.8 (e) of the Consumer Credit Regulations (Revised May 6, 1942) (7 F.R. 3351) issued by the Board of Governors of the Federal Reserve System, vests authority in the Administrator of the National Housing Agency, or his authorized agent, to exempt "any extension of credit to remodel or re-habilitate any structure" from the provisions of Regulation W by designating projects as "defense housing". The Administrator's authority to make such designation was delegated to qualified "registrants" in National Housing Administrator's Order No. 8, dated June 19 1942, subject to various conditions set forth in such order. The purpose of this general order is to supersede National Housing Administrator's Order No. 8 with respect to all applications submitted to registrants on and after February 10, 1943.

704.1

Delegation of authority.

740 2 Projects which may be designated "defense housing"

704.3 Responsibilities of contractor. Responsibilities of initial creditors. 704.4 Responsibilities of succeeding credi-704.5

704.6 Forms.

AUTHORITY: §§ 704.1 to 704.6, inclusive, issued under E.O. 9070, 7 FR. 1529, 12 CFR 222.8 (e).

§ 704.1 Delegation of authority. Any application filed on or after February 10, 1943, with a registrant for the purpose of designating any project as 'defense housing" shall be governed by the provisions set forth in this general order.

(b) Pursuant to the authority vested in the Administrator of the National Housing Agency by § 222.8 (e) of the Consumer Credit Regulations issued by the Board of Governors of the Federal Reserve System, the Administrator hereby delegates to any creditor or lender who is qualified as a "registrant" in accordance with the provisions of the Consumer Credit Regulations, authority to designate any project for the remodeling or rehabilitation of an existing structure as "defense housing" when, after obtaining a bona fide signed statement on Form NHA 60-5, the registrant finds in good faith that the proposed project satisfies the criteria set forth in § 704.2.

§ 704.2 Projects which may be designated "defense housing". (a) Registrants may designate as "defense housing" any housing projects which have been allotted materials under the Controlled Materials Plan, or have been granted priority assistance or authority to begin construction by the War Production Board, for which allotment, assistance, or authority an application was made on WPB Form PD-105 or Form PD-200.

(b) Registrants may designate as "defense housing" any housing projects which help maintain the local housing supply by enabling the occupants to continue living in housing accommodations now occupied by them, but only where:

(1) The existing structure involved will become uninhabitable (meaning a definite hazard to the health or safety of the occupants, not merely an inconvenience) if the work covered by the application is not performed within ninety (90) days from the date of application,

(2) The project is located within a private war housing priority locality (lists of such localities are obtainable from local offices of the Federal Housing Administration), and

(3) The project involves an essential restoration of living accommodations, without change of design or the creation of additional living space.

Note: Extensions of credit to finance projects intended to conserve fuel shall not be exempted from Regulation W under the authority delegates in this general order. Such projects may be exempted under the provisions of § 222.8 (m) of the Consumer Credit Regulations (7 FR. 5807), which exempts extensions of credit to finance (1) converting heating equipment to the use of any other fuel, (2) installing certain types of insulation within structures, (3) installing storm sash and weather stripping, and (4) the purchase of materials for such purposes.

(c) Registrants may designate as "defense housing" any housing projects which will help maintain the local housing supply through the reconstruction or restoration of housing accommodations damaged or destroyed after December 31, 1941, by fire, flood, tornado, earthquake, act of God or the public enemy, but only where such housing accommodations are located in a private war housing priority locality.

§ 704.3 Responsibilities of contractor. In any case where the contractor is not the initial creditor, the contractor shall certify on the application form that to the best of his information and belief

the statements made by the owner concerning the essential nature of the project are correct.

§ 704.4 Responsibilities of initial creditors. (a) The initial creditor (the registrant who extends credit directly to the owner) is responsible for determining that each proposed project falls fairly within the criteria set forth in § 704.2.

(b) The initial creditor is entitled to rely upon the statements made by the owner on the application form unless he knows that such statements are untrue, or unless he has knowledge of facts which would raise a doubt in the mind of a reasonably prudent man as to the truth of the statements.

(c) If the application form contains any incomplete or questionable statements, the initial creditor has the responsibility of satisfying himself or itself as to their meaning and accuracy before exempting the extension of credit from the Consumer Credit Regulations, either by obtaining a supplemental explanation in writing signed by the owner, or by investigating the property, or both.

(d) With respect to applications covering repairs claimed to be essential to continued habitation (under § 704.2 (b)) initial creditors have the responsibility of segregating essential from non-essential repairs where the application includes both, and of exempting from the Consumer Credit Regulations only that portion of the extension of credit necessary to cover the essential repairs. Applications which include either exterior siding or roofing must be carefully scrutinized and approved only after the initial creditor has satisfied himself that the housing accommodations would become uninhabitable if such siding or roofing were not applied within ninety (90) days. Initial creditors must segregate and disapprove all items on each application which cover such non-essential work as interior or exterior decoration, unless such decoration is commonly regarded as an integral part of, and incidental to, an essential item on the same application.

(e) The initial creditor shall retain a copy of each application covering a project which he designates as "defense housing" in accordance with this order and shall transmit: One legible duplicate copy of each such application to the Regional Office of the National Housing Agency for the area in which the property covered by the application is located (jurisdiction and address of such offices can be obtained from the nearest office of the Federal Housing Administra-tion); one such copy to the owner of the property covered by the application; and, if the paper or debt is transferred to a secondary creditor, one such copy to the secondary creditor together with any supplemental explanatory statements submitted by the owner and a written description of any investigations which the initial creditor made with respect to the property covered by the application.

§ 704.5 Responsibilities of succeeding creditors. (a) The secondary creditor, (any transferee who purchases or receives the paper or debt) and each succeeding creditor, is entitled to rely upon the statements appearing on the application form and any signed supplemental statements by the owner or initial creditor. No succeeding creditor shall purchase or receive the paper or debt when he knows that such statements are untrue, or when the statements show on their face that the application should not have been approved by a previous creditor.

(b) The secondary creditor and each succeeding creditor shall release the application form and any supplemental explanatory statements pertaining thereto to transferees who purchase or receive the paper or debt from him.

§ 704.6 Forms. All properly executed applications on Form NHA-38 received by registrants prior to February 10, 1943 may be processed in accordance with National Housing Administrator's Order No. 8. On and after February 10, 1943 no applications shall be accepted by registrants except on Form NHA 60-5.

LYMAN S. MOORE, Assistant Administrator.

[F. R. Doc. 43-2120; Filed, February 9, 1943; 12:13 p. m.]

[NHA General Order 60-5]
PART 703—PUBLIC WAR HOUSING
OCCUPANCY OF PUBLIC WAR HOUSING

Sec.
703.1 General policy.
703.2 Exclusive reservation.
703.3 Limited reservation.

AUTHORITY: §§ 703.1 to 703.3, inclusive, issued under E.O. 9070, 7 F.R. 1529.

§ 703.1 General policy. (a) The purpose of this general order is to set forth the public war housing to which occupancy standards apply, the persons who are eligible war workers for such housing, the length of time such housing must be held for their use, and the conditions under which such housing may be made available for other purposes.

§ 703.2 Exclusive reservation. (a) On or after February 10, 1943, initial occupancy and reoccupancy of every dwelling accommodation in all Federally-owned or leased public war housing projects under the jurisdiction or control of NHA, or any of its constituent units,1 shall be reserved exclusively for eligible war workers, as defined in NHA General Order No. 60-1, except (1) with respect to 4 Lanham Act Mutual ownership projects under the jurisdiction of FPHA (which are substantially completed and occupied), resident as well as in-migrant civilian war workers may be admitted to occupancy, and (2) with respect to off reservation or off post proj-

<sup>1</sup> Form filed as part of the original docu-

¹All public war housing projects undertaken pursuant to (a) the Lanham Act (Public No. 849, 76th Congress) as amended (including conversion projects undertaken under the supervision of NHA Homes Use Service, (b) Public Act Nos. 9, 73, 353, 77th Congress, and (c) Public Act No. 781, 76th Congress; all projects of Defense Homes Corporation; and all Federally-owned projects undertaken pursuant to Public Act No. 671, 76th Congress.

ects programmed for military or naval personnel prior to July 16, 1942 (the date of the joint directive of the War Department, Navy Department and National Housing Agency), eligible military or naval personnel, as certified by the local commandant,2 may be admitted to occupancy, provided that preference (without a specified reservation period) has first been given to indispensable in-migrant civilian war workers.

(b) On or after February 10, 1943, initial occupancy or reoccupancy of every dwelling accommodation in all FPHA-aided public war projects a for which applications for priority assistance are submitted to WPB after February 10, 1943, shall be reserved exclusively for such eligible war workers, as defined in NHA General Order No. 60-1, as are eligible for occupancy thereof under applicable state or Federal laws.

(c) On or after February 10, 1943, reoccupancy of every dwelling accommodation in such Federally-owned public non-war housing projects under the jurisdiction of FPHA, as the National Housing Administrator determines are suitable to provide war housing, shall be reserved exclusively for eligible war workers as defined in NHA General Or-

der No. 60-1.

Provided. That after any housing accommodation, described in the foregoing § 703.2, (a), (b), (c), has been held available for occupancy by such eligible war workers for 60 days after completion or for 60 days after any vacancy occurs, the NHA constituent agency having control of any such dwelling accommodation may (if the NHA Regional Representative has been informed fifteen days in advance to indicate a further holding period if he deems it desirable) permit such housing accommodation to be occupied by (1) other civilian war workers (as defined in NHA General Order No. 60-1) or to enlisted men in the naval or military services of the United States

In such projects, tenants are selected by

Federally-aided local authority-owned

\*Tenant selection, in projects included in

Public Act No. 671 projects and priority as-

this paragraph (b) which are located in states that have not enacted appropriate de-

fense or war housing legislation, is subject

to low income limitations of applicable state

sisted Public Act No. 412 projects.

the local commandant.

or to officers of the Army or Marine Corps not above the rank of captain, and officers of the Navy and Coast Guard, not above the grade of lieutenant, senior grade, assigned to duty at naval or military reservations, posts or bases, or to duty at defense industries; or (in the event there is no present or anticipated demand for occupancy by such other civilian or military war workers) to (2) others eligible for occupancy as prescribed by the NHA constituent agency having control of such dwelling accom-

§703.3 Limited reservation. (a) Reasonable preference for occupancy by war workers (as required by the conditions under which priority assistance was granted ) shall be observed with respect to all FPHA-aided public war housing projects for which applications for priority assistance were submitted to WPB prior to February 10, 1943.\* The local housing authorities that own and manage these projects shall be requested to conform, to the extent practicable, their management programs by reserving initial occupancy or reoccupancy in these projects to such eligible war workers (as defined in NHA General Order No. 60-1) as are eligible under applicable state or Federal laws in the same manner as is required with respect to the projects described in § 703.2 (b).

> LYMAN S. MOORE. Assistant Administrator.

(F. R. Doc. 43-2121; Filed, February 9, 1943; 12:13 p. m.]

### TITLE 31-MONEY AND FINANCE: TREASURY

Chapter I-Monetary Offices, Department of the Treasury

PART 132-GENERAL RULINGS UNDER EXECU-TIVE ORDER NO. 8389. APRIL 10. 1940. AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FEBRUARY 9, 1943.

General Ruling No. 12A under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act. 1941, relating to foreign funds control.

§ 132.12a General Ruling No. 12A. (a) Reference is made to transfers of

housing legislation; and with respect to those projects which are not converted to Public Act No. 671, tenant selection is subject also to the low income limitations of the United States Housing Act and of applicable state housing legislation.

\*FPHA-operated PWA Housing Division projects, local authority-leased PWA Housing Division projects, and non-farm housing projects transferred to FPHA from FSA pursuant to the provisions of paragraph 1 (g) of Executive Order No. 9070 (7 F.R. 1529).

On all projects described in this paragraph (c) where there are outstanding lease or sale agreements, compliance with the pro-visions of this order is subject to appro-priate modification of such outstanding lease or sale agreements to conform them to the provisions of this order. On all PWA Housing Division projects, compliance with the provisions of this order is subject to the obtaining of appropriate Presidential findings and conversion to Public Act No. 671.

property in a blocked account which are null and void, or unenforceable, by virtue of the provisions of General Ruling No. 12 (7 F.R. 2991) Such transfers shall not be deemed to be null and void, or unenforceable, under General Ruling No. 12, as to the person with whom such blocked account was held or maintained (and as to such person only) in cases in which such person is able to establish each of the following:

(1) Such transfer did not represent a wilful violation of the Order by the person with whom such blocked account was

held or maintained;

(2) The person with whom such blocked account was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer was not licensed or authorized by the Secretary of the Treasury, or if a license did purport to cover the transfer, that such license had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained;

(3) Promptly upon discovery that such transfer was in violation of the order, or was not licensed or authorized by the Secretary of the Treasury, or if a license did purport to cover the transfer, that such license had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained, the person with whom such blocked account was held or maintained filed with the appropriate Federal Reserve Bank a report on Form TFR-12A in triplicate setting forth in full the information called for therein: Provided, however, That such report should not be regarded as evidence of compliance with subdivisions (1) and (2) of this paragraph.

(b) Except as otherwise provided by regulations, rulings, licenses, or instructions expressly referring to this general ruling, no license will be required to validate the authority of any person to act or purport to act in a transaction directly or indirectly for the benefit or on behalf of any blocked country or any national thereof: Provided, That the transaction in which such person acts or purports to act is licensed or authorized by the Secretary of the Treasury or is not prohibited pursuant to section 5 (b) of the Trading with the Enemy Act, as

(c) As used in this general ruling, the term "blocked account" shall have the same meaning as that prescribed in General Ruling No. 12.

Sec. 5 (b), 40 Stat. 415 and 966; sec. 2. 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

RANDOLPH PAUL. Acting Secretary of the Treasury.

[F. R. Doc. 43-2163; Filed, February 10, 1943; 10:28 a. m.]

The conditions under which priority assistance for these projects were granted defined reasonable preference as meaning that each dwelling unit shall be reserved for occupancy by in-migrant or resident war workers for 30 days after the entire project is available for occupancy or 90 days from starting to take tenant applications, whichever period is longer.

<sup>8</sup> Includes Federally-aided local authorityowned Public Act No. 671 projects and pri-ority assisted Public Act No. 412 projects, but excludes normal low rent housing projects under Public Act No. 412 which merely obtained civilian priority assistance without a requirement of reasonable preference for war workers.

PART 131—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FEBRUARY 9, 1943.

General License No. 32, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3(a) and 5(b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 32 (6 F.R. 5467, 5805) is hereby amended by the deletion of paragraph (a) (1) thereof and the substitution of the following paragraph in lieu thereof:

§ 131.32 General License No. 32.

(1) Such remittances are made only for the necessary living expenses of the payee and his household and do not exceed \$500 in any one calendar month to any one household: Provided, however, That if the payee is within Portugal, Spain, Finland, Sweden, or Switzerland and such payee is a national of any blocked country other than Portugal, Spain, Finland, Sweden or Switzerland, the total of all remittances effected in any calendar month under this general license may not exceed \$100 to such payee and his household, except that additional sums not exceeding \$25 in any one calendar month may be remitted for each member of such payee's household in addition to the payee, provided that in no case shall a sum in excess of \$200 per calendar month be remitted to any such payee and his household;

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8993, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2164; Filed, February 10, 1943; 10: 28 a. m.]

PART 131—GENE AL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FEBRUARY 9, 1943.

General License No. 71, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 71 (6 F.R. 4135) is hereby amended by the deletion of paragraph (d) of such general license.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2165; Filed, February 10, 1943; 10;28 a. m.]

PART 131—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FEBRUARY 9, 1943.

General License No. 74, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 74 (6 F.R. 5181) is hereby amended by the deletion of the following language from paragraph (c) of such general license:

§ 131.74 General License No. 74. \* \* \*
(c) and shall file promptly with the appropriate Federal Reserve Bank separate monthly reports in triplicate on Form TFR-111 respecting the transactions for the account of each such citizen.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by F.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2166; Filed, February 10, 1943; 10:28 a. m.]

### Chapter IX-War Production Board

Subchapter B-Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

Part 1010—Suspension Orders [Suspension Order S-235]

HOME IMPROVEMENT CORP.

Home Improvement Corporation of Norfolk, Virginia, is engaged in the general contracting business. Subsequent to September 7, 1942, without the authorization of the Director General for Operations of the War Production Board, Home Improvement Corporation began construction (as defined in Conservation Order L-41) of twenty garage buildings situated in and about the cities of

Norfolk and Portsmouth, Virginia, the estimated cost of each of said garages being in excess of \$200. Such construction was begun in disregard of the provisions of Conservation Order L-41, as amended September 2, 1942, with which the Home Improvement Corporation was, or should have been, familiar, and therefore constituted a wilful violation of that order.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts; It is hereby ordered, That:

§ 1010.235 Suspension Order S-235.

(a) Home Improvement Corporation, its successors and assigns, are hereby prohibited from ordering purchasing, accepting delivery of, withdrawing from inventory, or in any other manner securing or using material or construction plant in order to begin or continue the erection, construction, remodeling or rehabilitation of any building, structure, or project or additions thereto or extensions or alterations thereof, including but not limited to maintenance and repair, except with the 'specific approval of the Regional Compliance Chief, Philadelphia Regional Office, War Production Board.

(b) Deliveries of material to Home Improvement Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) No allocation shall be made to Home Improvement Corporation, its successors and assigns, of any material, the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Home Improvement Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect February 12, 1943, and shall expire May 12, 1943, at which time the restrictions contained in this order shall have no further effect.

Issued this 9th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2134; Filed, February 9, 1943; 3:49 p. m.]

PART 903-DELEGATIONS OF AUTHORITY [Supplementary Directive 1-U]

§ 903.26 Further delegation of authority to the Office of Price Administration with reference to rationing of firewood. (a) In order to permit the efficient rationing of firewood, the authority delegated to the Office of Price Administration in § 903.1 (Directive No. 11) is hereby extended to include the exercise of rationing control over the sale, transfer. delivery or other disposition of firewood by any person to any person in cases in which either of such persons is within any of the rationed areas; and over the use of firewood by any person in any of the rationed areas, or by any person who acquires firewood from a person in any of the rationed areas. This authority, however, does not extend to control over the disposition of firewood to or for the account of, or the use of firewood by, the persons specified in subparagraphs (1) and (2) of paragraph (a) of Directive No. 1.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of firewood to, or the acquisition or use of firewood by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person wherever located, involved directly or indirectly in the sale, transfer, delivery or other disposition of firewood to or from any point in any of the rationed areas: and

(2) To require any person wherever located, who is involved, directly or indirectly, at any stage in the distribution of firewood which is ultimately sold, transferred, delivered or otherwise disposed of in any of the rationed areas (whether by such person or by other persons), or which is ultimately used in any of the rationed areas, to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "rationed area" means the States of Washington, Oregon and Idaho or such communities or areas within such States as may from time to time be designated by the Office of Price Administration.

The term "firewood" means any forest cordwood; slabwood; mill-ends, edgings,

or other mill waste; kindling wood, shavings, hogged fuel, or sawdust, including sawdust pressed into logs or bricks.

Issued this 10th day of February 1943. CURTIS E. CALDER, Director General for Operations.

[F. R. Doc. 43-2145; Filed, February 10, 1943; 10:21 a. m.]

PART 1010-Suspension Orders [Amendment 1 to Suspension Order S-221]

FRIEDMAN BAG CO.

Paragraph (a) of § 1010.221 Suspension Order S-212, issued January 27, 1943, is hereby amended to read as follows:

(a) Friedman Bag Company, its successors and assigns, shall not sell, deliver, rent, accept delivery of, purchase, or otherwise deal in any textile bags made of burlap, whether new or used, except as specifically authorized by the Regional Compliance Chief, San Francisco Regional Office, War Production Board.

Issued this 9th day of February 1943. CURTIS E. CALDER, Director General for Operations.

[F. R. Doc. 43-2135; Filed, February 9, 1943; 3:49 p. m.]

### PART 1046-SUPPLIERS

[Limitation Order L-63, as amended Feb. 10, 1943]

§ 1046.1 Suppliers' Inventory Limitation Order L-63—(a) Definitions. (1) "Supplies" means all the supplies listed below:

- (i) Automotive supplies.
- (ii) Aviation supplies.
- (iii) Builders' supplies.
- (iv) Construction supplies.
- (v) Dairy supplies.
- (vi) Electrical supplies.
- (vii) Farm supplies,
- (viii) Foundry supplies.
- (ix) Grain elevator supplies. (x) Hardware supplies.
- (xi) Industrial supplies.
- (xii) Plumbing & heating supplies.
- (xiii) Refrigeration supplies.
- (xiv) Restaurant supplies.
- (xv) Textile mill supplies.
- (xvi) Transmission supplies.
- (xvii) Welding & cutting supplies.

Except that "supplies" shall not be deemed to include any of the materials set forth in List A.

(2) "Supplier" means any (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses of producers

and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock including consigned stocks and excluding

direct shipments.
(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less,

(6) "Maximum permissible inventory"

of supplies means:

(i) In the case of a supplier located in the Eastern or Central War Time zones, an inventory (owned or consigned to him) of supplies of a total dollar value (by physical or book inventory, at the option of the supplier) equal either to:

(a) Twice the sales of such supplies, shipped from his inventories, during the second preceding calendar month; or (at

the option of the supplier);

(b) Two thirds of the sales of said supplies shipped from his inventories during the three preceding calendar months.

(ii) In the case of a supplier, located in any other time zone, an inventory (owned or consigned to him) of supplies of a total dollar value (by physical or book inventory, at the option of the sup-plier) equal either to:

(a) Three times the sales of such supplies, shipped from his inventories, during the second preceding calendar month; or (at the option of the sup-

plier);

(b) The sales of such supplies, shipped from his inventory, during the three preceding calendar months.

(b) Limitation of supplier's inventories. (1) Except as provided in paragraph (b) (3), (4), (5), and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory: and

(2) Except as provided in paragraphs (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) The supplier in any time zone shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not ex-

ceed ninety days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery is of the minimum quantity

<sup>17</sup> F.R. 562.

of such supplies that can be commercially

- (5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.
- (6) The Director General for Operations may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject to such restrictions as the Director General for Operations may impose.

(7) The provisions of this order shall

not apply to any supplier:

- (i) Whose total inventory at cost, including consigned stocks, of all supplies is less than \$20,000.00, and;
- (ii) Whose total inventory at cost of each type of supplies as set forth in paragraph (a) (1) of this order, is less than \$10,000.00.
- (c) Provisions of other orders. No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or orders issued by the War Production Board or heretofore issued by the Office of Production Management.
- (d) Appeals. Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief to the War Production Board by telegram or letter setting forth the pertinent facts and the reason such person considers that he is entitled to relief.
- (e) Records and reports. (1) Each supplier (other than those suppliers who are exempt from the provisions of this order pursuant to paragraph (b) (6) or (7)) shall, on or before the twentieth day of each month make proper entry of inventory (book or physical at cost), sales of direct shipments, sales from stock, and total sales of each type of supplies as set forth in paragraph (a) (1) of this order, during the previous calendar month on Form PD-336. This form must be retained for a period of at least two years for inspection by representatives of the War Production Board.

(2) The Director General for Operations may at any time call for these reports to be submitted to the War Pro-

duction Board.

- (f) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.
- (g) Communications. All communications concerning this order shall be addressed to War Production Board, Dis-

tributors' Division, Washington, D. C., Ref.: L-63.

Issued this 10th day of February 1943.

CURTIS E. CALDER. Director General for Operations.

LIST A

Note: Paragraph (8) added.

The types of material set forth below are not deemed to be supplies within the meaning of paragraph (a) (1). Accordingly, these materials may be excluded from the monthly report required by paragraph (e), and are not subject to the inventory restrictions required by paragraph (b), provided that sales of such materials are not included in computing maximum permissible inventory as defined in paragraph (a) (6).

(1) All materials referred to in schedules A and B of § 962.3 (General Preference Order M-21-b, as amended from time to time);

(2) Materials made of aluminum, provided such materials were acquired by the supplier pursuant to allocation or other specific authorization of the Director of Industry Operations or the Director General for Operations of the War Production Board;

(3) Automobile and truck replacement parts as defined in:
(i) Section 1297.1 (c) (8), Limitation Order No. L-158, issued July 4, 1942; and

(ii) Section 983.4 (b) (4), Supplementary Limitation Order L-4-B, issued April 25, 1942; (4) Functional replacement parts for machinery and equipment: Provided, That in

no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month;

(5) Machinery or equipment which is purchased by the supplier at a cost per unit in

excess of \$500;

(6) Any material which is subject to ra-

tioning by the Office of Price Administration; (7) The following building materials: Portland and natural cement, lime, gypsum and gypsum products, bituminous roofing materials, concrete pipe, cut stone, sand and gravel, crushed stone, clay products, insula-tion board, acoustical materials, mineral wool, paving materials, concrete products, glass, lumber, wooden mill work.

(8) Domestic mechanical refrigerators, as defined in Limitation Order L-5-d.

[F. R. Doc. 43-2146; Filed, February 10, 1943; 10:21 a. m.]

PART 3133-PRINTING AND PUBLISHING MA-CHINERY, PARTS AND SUPPLIES

[Limitation Order L-226 as Amended Feb. 10, 1943]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel, iron, steel, manpower, transportation, and electrical energy required for the production of graphic arts machinery, operating supplies, and replacement parts therefor for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.1 Limitation Order L-226-(a) Protection of production schedules. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, except that notwithstanding Priorities Regulation 1 producers of operating supplies and replacement parts, to the extent provided for in paragraphs (d) and (e) of this order, may on and after January 1, 1943, schedule their production of such operating supplies and replacement parts as if the orders therefor bore a rating of AA-1.

(b) Definitions. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

- (2) "Graphic arts machinery" means any piece of new, used or reconditioned machinery or equipment designed for use in the production of printed matter, including but not limited to the kinds listed on Schedule A.
- (3) "Operating supplies" means small pieces of equipment not normally considered capital items peculiar to and used exclusively in the graphic arts industry including but not limited to the kinds listed on Schedule B.
- (4) "Replacement parts" means parts used for the repair or maintenance of the machinery listed in paragraph (b) (2) hereof.
- (5) "Producer" means any person engaged in whole or in part in the manufacture of new graphic arts machinery, operating supplies, or replacement parts as defined in paragraphs (b) (2), (3) and (4) above.
- (6) "Inventory" means any stock of operating supplies or replacement parts as defined in paragraphs (b) (3) and (4), on hand, or consignment, or held for the account of the owner thereof in any other name, manner or place.
- (7) "Order" means any commitment or other arrangement for the production or delivery of graphic arts machinery.
- (8) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned graphic arts machinery, operating supplies, or replacement parts for resale or lease.
- (9) "Approved order" means any order for graphic arts machinery approved by the War Production Board as provided in paragraph (g) hereof.
- (10) "Printed matter" shall include any paper (or any paperlike substance), wood, fabric, metal or other material upon which there has been printed, impressed or otherwise transferred any ink, color, pigment, mark, character or delineation by the letter press, lithographic or gravure processes or any modifications

Definitions in paragraphs (2), (3), (4) and (10) of this paragraph shall not be deemed to include any office machinery and collateral equipment as listed in General Limitation Order L-54-c, as Amended, operating supplies and replacement parts for same, and the material produced by same.

(c) Restrictions on acceptance of orders for production and delivery of graphic arts machinery. (1) On and after January 30, 1943, no person shall:

 (i) Produce any graphic arts machinery, except for the use of the Armed Forces outside of the U.S., its territories or possessions or on shipboard and then only upon an approved order to deliver or accept delivery;

(ii) Deliver or accept delivery of any graphic arts machinery unless such delivery is upon an approved order except as provided in paragraph (c) (3) hereof.

(2) Auction sales, sales pursuant to court order and similar transactions. Dispositions of used graphic arts machinery at auction, at sheriff's sales, at tax sales, in liquidations of all or part of the business, and in similar transactions must be approved orders unless such dispositions are made within the limits specified in paragraph (c) (3) (v).

(3) Exempted transactions. Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of graphic arts machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of graphic arts machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(v) Deliveries to, and acquisitions by distributors of used graphic arts machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(vi) The delivery of graphic arts machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed ninety (90) days, pending the repair of the damaged machine.

(vii) The delivery and acquisition of graphic arts machinery for scrap.

(viii) The unloading, from a vessel, of any imported graphic arts machinery.

(ix) The transfer of any interest, in any written instrument evidencing an interest in graphic arts machinery: Provided, however, That nothing in this subparagraph (ix) shall be construed to permit the physical delivery or use of such graphic arts machinery.

(x) The delivery, acquisition and production of graphic arts machinery, the delivery and acquisition of which has been approved prior to January 4, 1943, under General Conservation Order L-83 on Form PD-1A carrying a preference rating of A-9 or higher.

 (xi) The delivery and acquisition of graphic arts machinery approved on Form PD-200.

(xii) The delivery and acquisition of graphic arts machinery which was delivered to the original user prior to May 1, 1937.

(xiii) The delivery and acquisition of a single piece of graphic arts machinery having a sales value of \$25 or less.

(d) Restrictions on the production of operating supplies used in the graphic arts processes. During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of operating supplies used in the graphic arts industry shall limit his production of such supplies to a quantity having a sales value of not more than 18% of the combined sales value of such supplies sold by him during 1941 and shall limit his inventory of such supplies to a quantity having a sales value of not more than 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter.

In the event that a producer's inventory of operating supplies is or should at any time become in excess of 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter, he shall limit his production of such supplies to a quantity having a sales value of not more than 6% of the combined sales value of such supplies sold by him during 1941.

(e) Restrictions on the production of replacement parts. During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of replacement parts used in the graphic arts industry shall limit his production of such parts to a quantity having a sales value of not more than 30% of the combined sales value of such parts sold by him during 1941 and shall limit his inventory of such parts to a quantity having a sales value of not more than 133% of the combined sales value of such parts sold by him during the preceding calendar quarter.

In the event that a producer's inventory of replacement parts is or should at any time become in excess of 133% of the combined sales value of such parts sold by him during the preceding calendar quarter, he shall limit his production of such parts to a quantity having a sales value of not more than 18% of

the combined sales value of such parts sold by him during 1941.

(f) Restrictions on sale of operating supplies and replacement parts to consumers. (1) On and after January 4, 1943, no producer or distributor shall sell or deliver any operating supply or replacement part to a consumer who fails within 30 days after receipt of a supply or part ordered on or after January 4, 1943, to deliver to said producer or distributor a used part of similar kind or size for each new replacement part or operating supply delivered to the consumer.

(2) Excluded from the provisions of paragraph (f) (1) are sales of operating supplies and replacement parts to:

(i) A consumer who, on and after February 15 1943, certifies concurrently with the placing of the order for said supplies or parts that within 30 days after their receipt he will dispose through scrap channels of a used part of similar kind and size for each new replacement part or operating supply delivered to him;

(ii) Any corporate, administrative or other division or agency of the United States or of any state or territory of the United States which is forbidden by law from making such disposal of replacement parts or operating supplies;

(iii) The Army, Navy, Maritime Commission, War Shipping Administration or consumers outside of the continental United States;

(iv) A distributor or other producer for resale only in that form.

(g) Requirements for obtaining an approved order. Any person seeking an approved order for graphic arts machinery shall file Form PD-556 containing all information requested by said form and, in addition, shall make answer in Section 5 of said form to the following questions:

(1) Is the machinery an expansion of existing facilities or a replacement, and if the latter, what disposition will be made of the existing machinery?

(2) Does the applicant have in use any machinery similar to that for which application is made?

(3) How does the applicant now accomplish the work for which is required the machinery applied for?

(h) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(j) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order.

wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(k) Appeals. Any appeal from the provisions of this order shall be filed on Form PD-500.

(1) Communications. All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C. Ref: L-226.

Issued this 10th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

#### SCHEDULE A

Note: Certain items have been amended or deleted.

MACHINE COMPOSITION

Automatic metal feeders.
Band saws.
Broaching machines.
Buffer and polishers.
Composing room saw trimmers.
Line typesetting machines.
Line-saws.
Material makers.
Plunger cleaners.
Remelt furnaces and molds.
Rule casters.
Space band cleaners.
Single character type composing machines.
Single character type casting machines.
Typesetting and type casting machine matrices of a face not offered for sale by the manufacturer prior to January 1, 1943.

### HAND COMPOSITION

Cabinets, type, storage, galley,
Composing frames.
Dead metal frames.
Foundry type of a face not offered for sale
by the foundry prior to January 1, 1943.
Imposing tables or stones.
Line-up and register tables and devices.
Make-up frames.
Metal saws and trimmers.
Mitering machines.
Page make-up gauges.
Plate mounting (patent) bases.
Slug and rule cutters.
Trucks, galley, form, dead-metal.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE
PLATE MAKING

Arc lamps.
Ben Day machines.
Cameras and lenses.
Etching machines, baths and tanks.
Halftone screens.
Monel silver baths.
Monel evaporating dishes.
Nailing machines.
Planing machines.
Plate coating machines.
Plate graining machines.
Plate beveler and trimmer.
Plate dryers.
Projectors.

Photo-composing machines. Registering devices. Vacuum backs for cameras. Vacuum frames.

ELECTROTYPE, STEREOTYPE RUBBER AND PLASTIC PLATE MAKING

Casting boxes.
Cooling tables.
Electrolytic baths and tanks.
Jig saws.
Mat formers, scorchers and rollers.
Molding presses.
Plate curving machines.
Routing machines.
Rubber plate depth gauges.
Ruling moldings.
Saws and trimmers.
Shaving and planing machines.

#### PRESSES

Automatic press feeders and deliveries.
Auxiliary ink distributors.
Bronzing machines.
Cutting and creasing presses.
Drying racks.
Hand and automatic sheet and web-fed platen presses.
Hand and automatic fed flat-bed cylinder presses.
Hand and automatic fed flat-bed gravure presses.
Hand and automatic fed plate engraving presses.
Ink agitators.
Numbering machines.
Paper seasoners.
Proof presses.
Roller washing devices,
Scoring and perforating attachments.
Sheet and web-fed rotary letter presses.
Sheet and web-fed offset or direct lithograph

presses.
Sheet and web-fed rotary gravure presses.
Sheet heaters, static eliminators and ink dryers.
Thermographic presses.

dryers.
Thermographic presses.
Transfer presses.
Varnishing machines.
Vibrating rollers.
Web-pasters.
Web-tension devices.
Web-slitting and re-winding machines.

Banding machines.

### BINDERY

Automatic feeders for folding machines.

Automatic and hand-fed trimmers.

Automatic feeders for board cutters.

Bindery hand presses. Binder's board cutters. Binder's cloth cutters. Book presses (drying; clamp units, power or hand) Book sawing machines. Case making machines. Casing-in machines. Cover shaping and bending machines, Color spraying hoods and machines. Cover spraying machines. Corner cutting racks. Eyeletting machines. Forwarding machines (backers, liners, and headbanders). Guillotine cutting machines, power and hand Gathering and inserting machines. Gilding presses, screw type.
Gold and foil cover cleaning machines,
Hand and automatic fed folding machines. Headband forming machines. Lettering presses.

Marbling troughs and clamps. Mechanical binding machines. Nipping machines.

Paper ruling machines. Perforating machines. Pamphlet covering machines. Round cornering, punching, drilling and indexing machines. Rounding and backing machines. Rough-edging machines. Round corner turn-in machines. Sanding machines (edges). Stripping machines. Smashing machines. Stamping, embossing and brass die-cutting and sinking machines and presses. Stippling and graining machines. Signature bundling presses (hand and power). Skiving or paring machines. Thread stitching machines, hand and automatic feed. Thread sewing machines.
Tipping, pasting and gluing machines. Wire stitching machines.

#### SCHEDULE B

Nore: Certain items have been amended or

### MACHINE COMPOSITION

Go No-go type high gauges. Space bands.

Typesetting and type casting machine matrices.

HAND COMPOSITION

Chases.
Composing sticks.
Imposing furniture.
Line gauges.
Plate hooks.
Quoins and keys.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE PLATE MAKING

Routing bits.

### PRESSES

Press fountain dividers.

Cylinder jackets for cutting and creasing presses.

Doctor blades (gravure).

Gauge pins.

### BINDERY

Cutting-out dies.
Drills and punches (paper).
Graining plates.
Index cutting knives.
Needles and hooks.
Paper cutter knives.
Perforator wheels and knives.

[F. R. Doc. 43-2147; Filed, February 10, 1943; 10:21 a. m.]

### Chapter XI—Office of Price Administration

### PART 1300-PROCEDURE

[Procedural Reg. 9,1 Amendment 2]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

<sup>\*</sup>Copies may be obtained from the Office of Price Administration. 17 F.R. 8796, 8 F.R. 856.

Paragraph (b) is added to § 1300.610 and paragraph (h) of § 1300.611 is amended as set forth below:

§ 1300.610 Effective dates of amendments.

(b) Amendment No. 2 (§ 1300.611 (h)) to Procedural Regulation No. 9 shall become effective, February 15, 1943.

§ 1300.611 Appendix A: List of dis-trict and state offices designated by regional administrators to decide appeals.

(h) Region VIII. Arizona: Phoenix; California: Fresno, Los Angeles, Sacramento, San Francisco, San Diego; Nevada: Reno; Oregon: Klamath Falls, Portland; Washington: Seattle, Spokane.

(Pub. Law 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of February 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-2125; Filed, February 9, 1943; 12:52 p. m.]

PART 1315 - RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COM-

[Ration Order 1A, Amendment 10-

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Sections 1315.201 (a) (7), 1315.201 (a) (21), 1315.501 (e), 1315.504 (a), 1315.511, 1315.601 (a), 1315.601 (d) are amended to read as follows: § 1315.302 is amended by the addition of a new paragraph (f); § 1315.503 (d) is amended by the addition new subparagraphs (5) and (6); § 1315.505 (a) (10) is amended by an amendment to subdivision (iii) and by the addition of new subdivisions (viii) and (ix); § 1315.506 is amended by the addition of a new paragraph (b); § 1315.602 is amended by the addition of a new paragraph (f); § 1315.802 (a) is amended by the addition of new subparagraphs (8) and (9); and § 1315.1005 is amended by the addition of a new paragraph (e), as set forth below:

§ 1315.201 Definitions. (a) For the purpose of this Ration Order No. 1A:

(7) "Commercial motor vehicle" means (i) a straight truck, a combination trucktractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, built or rebuilt primarily for the purpose of transporting property upon the highways and propelled or drawn by mechanical power, and (ii) any of the following propelled or drawn by mechanical power and used

\*Copies may be obtained from the Office of

Price Administration.

2 7 F.R. 9160, 9392, 9724, 10072, 10336; 8 F.R. 435, 606, 1585, 1628, 1629.

in the transportation of persons upon the highways: any bus, any ambulance or hearse, any taxicab or jitney, any motor vehicle, except a passenger automobile, available for hire or public rental, or any other motor vehicle except a passenger automobile or motorcycle.

(21) "Passenger automobile" means any motor vehicle (other than an ambulance or hearse, taxicab or jitney, or vehicle available for public rental for a term of seven or less consecutive days) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental, or any motorcycle. \* .

§ 1315.302 Jurisdiction of war price and rationing boards. A Board shall have jurisdiction to receive and act upon applications with respect to:

(f) Authority to acquire tires and tubes by a person engaged in the business of towing house trailers, if the applicant has his principal office within the area served by the Board.

§ 1315.501 General proof of need. No Board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under §§ 1315.503, 1315.505, 1315.506, 1315.507 or 1315.511 and in addition meets each of the following conditions:

(e) No available tire or tube. That the applicant, other than a Federal, State, local, or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include: (1) emergency reserves acquired in accordance with § 1315.507; (2) tires or tubes reported on OPA Form R-17 or R-17 (Revised) or reported by a manufacturer to the War Production Board; (3) tires or tubes in a public warehouse and removable only upon certificate; or (4) tires especially designed for use in mud and snow, not in excess of two such tires per vehicle, if the vehicle is exempt under § 1315.503 (d) (1) from the mileage restrictions on eligibility.

§ 1315.503 Eligibility of passenger automobile.

(d) Exceptions to eligibility, mileage not governing.

(5) An applicant for a passenger automobile, which is not driven by gasoline as defined in § 1394.7551 (a) (12) of Ration Order No. 5C, or which has been issued a currently valid Non-highway ration in accordance with § 1394.7904 of Ration Order No. 5C, shall be entitled to no better than a Grade III tire, unless the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C and is of an amount sufficient to entitle the applicant to either a Grade I or Grade II tire in accordance with the table in paragraph (c) of this section.

(6) An applicant who is unable to obtain recapping service or replacement of a size 4.25 x 12 or 4.50 x 12 tire to which he is entitled, may be issued a certificate for a 4.00 x 12 implement tire.

§ 1315.504 (a) Certificate of war neces-sity. That he holds a currently valid certificate of war necessity with respect to such vehicle and that the tires have been currently inspected and passed, as required by General Order ODT No. 21 and amendments or exemptions thereto; and

§ 1315.505 Eligibility of commercial motor vehicle—(a) List A

(10) Transporting the following persons:

(iii) Military or naval personnel of the United States or State military forces organized pursuant to section 61 of the National Defense Act as amended: Provided, Such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of the personnel and no other public transportation is practicable.

(viii) Persons participating in organized recreational activities at military or naval establishments, to and from such establishments: Provided, Such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of the establishment and no other public transportation is practicable.

.

(ix) Patients to clinics or hospitals for medical attention: Provided, The operator has obtained from the United States Public Health Service or a State board of health written approval of such use of his vehicle and no other public transportation is practicable.

§ 1315.506 Eligibility of farm implement, industrial equipment and non-highway vehicle. \* \* \*

(b) Spare tires or tubes. A certificate for a spare tire or tube may be issued to equip any of the vehicles which satisfy the conditions of this section, if a Board finds that a spare tire or tube is necessary for the continued operation of the

§ 1315.511 Eligibility of house trail--(a) Permanent equipment. A certificate for tires, tubes or recapping service may be granted for a house trailer which meets the applicable conditions of §§ 1315.501 and 1315.504, if it is used exclusively to furnish housing to itinerant workers rendering the construction, maintenance or repair services listed in § 1315.505 (a) (14) (ii) or rendering other services essential to the public health, safety or the war effort, and is required to enable such persons to be located near their place of work.

(b) Eligibility of towers of house trailers for tires for temporary mounting. A person in the business of towing house trailers may be granted a certificate for tires, tubes or recapping service to be used exclusively to tow house trailers, sufficient to provide him with eight tires and tubes plus four additional tires and tubes for each separate branch where he maintains a tow car.

(c) Grade of tire for house trailers. An applicant under this section may obtain no better than a certificate for recapping service or for a Grade III tire, unless he shows that a Grade III tire cannot be used for this purpose.

§ 1315.601 Application for certifieates-(a) Who may execute and file. Any person may file with the Board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes, recapping services or camelback. Application may be made by an agent: but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the jurisdiction of the appropriate Board. No member or employee of the Board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application. If application is made for tires, tubes or recapping service to equip a passenger automobile leased for a term of more than seven days, both the lessor and the lessee shall join in the application.

1.90 (d) Presentation of certificate of war necessity. Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid certificate of war necessity for such vehicle, as required by General Order ODT No. 21 and amendments or exemptions thereto.

§ 1315.602 Filing of applications.

(f) Persons towing house trailers. Applications for certificates for tires, tubes or recapping service by persons engaged in the business of towing house trailers shall be filed on OPA Form R-1 (Revised) with the Board for the area in which the principal office of the applicant is located.

§ 1315.802 (a) Mounting or use of tires and tubes. Subject to the restrictions of Ration Order No. 5C and paragraph (b) of this section, any person may change the physical location of, mount or use:

. (8) Tires and tubes acquired under § 1315.511 (a) on the house trailer for which they were acquired.

\*

(9) Used tires or tubes temporarily to:

...

(i) Replace a tire which is being repaired or recapped;

(ii) Move a wrecked, disabled or repossessed vehicle to a garage or other place of safety or storage;

(iii) Move vehicles held for resale from one sales premises to another;

(iv) Move any house trailer to a site for housing purposes. In addition, any person who has acquired tires or tubes under § 1315.511 (b) or holds them under § 1394.8014 of Ration Order No. 5C may change the physical location of, mount or use such tires or tubes to move any house trailer to a site for housing purposes.

Such tires or tubes shall be returned to the transferor within three days after the purpose is accomplished for which the tires or tubes were transferred.

§ 1315.1005 \* \* \*

(e) Every person transferring tires or tubes temporarily pursuant to § 1315.802 (a) (9) shall keep a record showing: (1) the purpose for which the transfer is made; (2) the serial number of the tire transferred; (3) the serial number of the tire temporarily replaced, if any; (4) the date the tire or tube is transferred; (5) the name and address of the person to whom the tire or tube is transferred; and (6) the date the tire or tube is returned.

§ 1315.1199 Effective dates of amendments.

(j) Amendment No. 10 (§§ 1315.201, 1315.302, 1315.501, 1315.503, 1315.504, 1315.505, 1315.506, 1315.511, 1315.601, 1315.602, 1315.802, and 1315.1005) to Ration Order No. 1A shall become effective February 15, 1943.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., E.O. 9126, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 352, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 9th day of February 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-2126; Filed, February 9, 1943; 12:53 p. m.]

PART 1407-RATIONING OF FOOD AND FOOD PRODUCTS

(Ration Order 13)

PROCESSED FOODS

Why Processed Foods Must Be Rationed

Our soldiers and sailors in combat areas must be fed-they must be well fed. The armed forces of our allies must be fed. War is fought, and won, as much by food as by munitions. Food is a weapon which we must forge and send wherever needed—to the millions of our fighting men—to our allies and their fighting men-to their fighters on the home front, in factories, in shipyards, in munitions plants.

Processed foods-canned and frozen fruits and vegetables, and dried fruitshave been aptly called "fighting foods." Because they are compact, easily shipped and easily prepared-because they can

be kept for long periods without spoiling-they fill a vital need of our armed forces and those of our allies.

Thus, the war has brought a tremendous increase in the demand for processed foods. A large part of our supply of these fighting foods must be shipped to our armed forces and to our allies.

At the same time, the war has limited our ability to increase production indefinitely. Shortages of tin, rubber and steel—of manpower and of plant facilities-place definite limits on the possibilities of expansion.

The result is that our supplies are not sufficient to meet normal civilian demands. The supplies of processed foods which are available must therefore be rationed so that everyone can get his fair share.

The use of canned baby foods has increased tremendously during the past few years. Here too, however, the war limits our ability to expand production indefinitely. Baby foods are therefore included in the program in order to help avoid depriving any mother of the convenience of using these foods because of uneven distribution of supplies. Babies have war ration books, and their books can be used for those foods.

### The Point Rationing System

Processed foods are rationed by what is called a "point" system. A particular "price", in points, is fixed for each item of processed foods. That "price" is called its "point value". Every consumer is then given a certain number of "points" which he can "spend" for processed foods, just as he has a certain amount of money which he can spend. He can get less of a higher priced item, or more of a lower priced item.

The reason for adopting this system is that there are a great number of different items of processed foods. If the supply of each item were divided evenly, there would not be enough to go around. Thus, if everyone were given stamps for canned asparagus, the amount which each consumer could get would be too small to be useful.

However, many of those items can be substituted for each other. To a considerable extent, the use of one item, rather than another, depends upon personal preference. For example, one person may prefer canned peaches, while another prefers canned pears.

The point system provides a method for letting everyone choose the kinds he prefers. It gives the same type of flexibility that a person has when he spends his money. He can get canned peas or, if he prefers, canned asparagus. He can get a small can of peas and a small can of asparagus, instead of a large can of

Furthermore, the point system provides a method for adjusting demand to the available supply. For example, if canned tomatoes are relatively plentiful, a low point value could be fixed. More people would then buy canned tomatoes, just as when the money price is low. If canned tomatoes become scarce, their point value is increased. Fewer consumers will then buy them, since consumers who do not want canned tomatoes badly will not wish to spend too many of their points on canned tomatoes, when they could get other processed foods at a lower point price.

The point rationing system has been in use in England for a long time. It works simply and easily-and it is the most satisfactory method yet devised for fair and flexible distribution of a group of commodities which should be rationed

How Consumers Get Processed Foods

Consumers are given "points" for processed foods in the form of the blue stamps in War Ration Book Two. Each stamp has a number which shows the number of points for which it is good.

Consumers register for and get War Ration Book Two during the week before processed foods rationing actually begins. When they apply for the book, they declare their stocks of processed foods and give up stamps for any ex-

cessive amounts they have.

During the week of registration for War Ration Book Two, consumers are not permitted to buy processed foods. The reason for this is to give retailers a chance to stock up and to prepare to meet demands under rationing. At the same time, it helps make sure that all consumers start evenly. If purchases were permitted, a hoarder could get his War Ration Book Two, and then go out and buy processed foods during the rest of the week without giving up points. This would give him an unfair advantage which would be inconsistent with the purposes of rationing.

When rationing begins, a consumer gives up stamps when he buys processed foods in much the same way as he gives up sugar stamps when he gets sugar. If he buys an item with a point value of 11 points, he gives up stamps worth 11 points. Retailers are required to post point values plainly, so that consumers will know just how many points each

Just as in the case of sugar, only certain stamps are good at a particular time. In this way, supplies are spread out evenly among consumers, over the year. At the outset of the program, 48 points worth of stamps will be good each month.

While no consumer starts with more points than the number in his War Ration Book Two, the order makes provision for cases of special need. A consumer who needs processed foods because of special dietary requirements due to illness can go to his local Board and get a certificate for more points, so that he can get the additional foods he needs. A consumer who lives in remote areas and who buys supplies for a long period at one time can exchange his stamps for a certificate, so that he can make his purchases all at once.

The order permits housewives to lend processed foods to each other. It also permits any person who has more processed foods of a particular kind than he needs, to exchange them for other types of processed foods of equal point value.

All of these provisions for special cases give the system necessary flexibility and permit it to operate in a way which will cause as little hardship as possible.

How Other Users Get Processed Foods

Many consumers eat in restaurants or other eating establishments. The problem of rationing the food supply of those establishments (called "institutional users") is not confined to processed foods. Institutional users need other rationed foods. Therefore, the method by which institutional users get rationed foods-sugar and coffee, as well as processed foods-is covered by a general order, called General Ration Order 5.

There is another purpose for which processed foods are used. Processed foods are used in making other items which are not rationed under this order. That use is called an "industrial use." For example, bakeries may use canned or dried fruits in making pies. Pies are not rationed. Therefore, a bakery which uses canned peaches to make peach pie is an "industrial user."

It is obvious that if consumers are cut, these uses should also be cut. Therefore, the allotments given to industrial users are calculated in such a way that they will take a cut which is fair as compared with the cut borne by the average home consumer.

How the Trade Operates Under the Order

In order to make sure that all processed foods are accounted for, points must be given up for all sales of processed foods. When a retailer buys from a wholesaler, he gives up to the wholesaler points he got from consumers or from other people to whom he made sales. Similarly, when a wholesaler buys from a producer or importer (called a "processor"), the wholesaler gives up points. Processors then turn over their points to the Office of Price Administration-and the points they turn over must match the point value of processed foods they transferred.

It is also important to make sure that supplies of processed foods are evenly distributed and that every person who deals in processed foods has his proper share to sell. This is done by making provision for retailer and wholesaler inventories. No one, however, can get a supply of processed foods for sale unless he is engaged or is about to engage in the business of dealing in them. He must show that he is part of the channel of distribution. Therefore, retailers, wholesalers and processors are required to register under this order and to give information showing the volume of their business.

Retailers register and report only once-at the end of the first month of rationing. They report their sales during that month. Their volume shows how large a supply they need under rationing. A retailer is therefore given an "allowable inventory" which is based on his sales during the first month of rationing. However, to make sure that he has a large enough stock to work with flexibly, his sales are multiplied by a "factor" fixed by the Office of Price Administration, to get his allowable in-

Wholesalers also get allowable inventories, based on their sales under rationing. However, in some respects they are treated differently from retailers.

Wholesalers occupy a strategic position in the distribution of processed foods. Many of them have large warehouse space. During the packing seasons, supplies must flow to them freely. since the limited storage space of most processors would otherwise overflow. During those seasons, the problems of storage and warehousing make it important to let wholesalers get large quantities, even if they do not need them all for immediate sale. In other seasons, when supplies are scarce, the amount going to each wholesaler should be reduced, since no storage problem exists and even distribution is important.

Wholesalers are therefore required to report their sales each month. The Office of Price Administration fixes a factor, for each month, to reflect available supplies and proper distribution of them. Each wholesaler then gets a maximum allowable inventory for each month, equal to his sales during the last month, multiplied by that factor.

Any retailer or wholesaler who does not have large enough stocks when rationing begins, can come in during the first month for an emergency adjustment. He will be given a certificate for enough points to get adequate working stocks.

Processors have no allowable inventory problems, since they sell stocks which they themselves produce or import. However, all processed foods must be accounted for. Furthermore, rationing can be effective only if the available supply is known. Processors are therefore required to make monthly reports of their sales, inventories and production or imports. In this way, the necessary information is obtained. Processors are, of course, required to register at start of rationing, so that supplies at that time, and the sources of future supplies, can be known.

Adjustments at Trade Levels

The order makes provision for various adjustments at trade levels, to get maximum flexibility. For example, retailers and wholesalers may apply for adjustments of their allowable inventories, to cover changed conditions or unusual situations. They can also apply for "loans" of points, if their own points are tied up in shipments which have not arrived. Provision is made for new business-for persons who wish to engage in processing, wholesaling or retailing processed foods.

Provisions of this type, coupled with the provisions made for special cases at the consumer level, should permit the order to operate on the smoothest and most flexible basis consistent with effective rationing.

§ 1407.1101 Rationing of processed foods. Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, Ration Order No. 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407,1101 issued under Pub. AUTHORITY: \$1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive 1, 8 F.R. 827.

## RATION ORDER No. 13-PROCESSED FOODS

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- The same person may be both a whole-saler or retailer and industrial user at the same place.
- The same person may be both a wholesaler or retailer and an institutional user at the same place.

  The same person may be both a proc-
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  How processed foods are transferred to 9.4
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- How processed foods are transferred to persons other than consumers.

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- Points may be returned for underdeliveries of processed foods.

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- Processed foods in transit on February 10.1 28, 1943 may be acquired point-free.
- Processed foods may be exchanged for 10.2 other processed foods.
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  Stocks of processed foods may be moved
- point-free between establishments of the same person.

  Processed foods may be stored and re-
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- ARTICLE X-POINT-FREE TRANSFERS-con.
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- Processed foods may be acquired, point-free, by insurers or for salvage.
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### ARTICLE XVIII-APPEALS

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- Stamps and certificates may not be taken by legal process or acquired by will.

ARTICLE XIX-MISCELLANEOUS RULES AND PROHIBITIONS—continued

Office of Price Administration must be notified of legal proceedings. 19.3

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20.1 Office of Price Administration may issue suspension orders.

ARTICLE XXI-DEFINITIONS

21.1 Definitions.

#### Article I-Introduction 1

SECTION 1.1 This order covers processed foods. (a) The following foods, called "processed foods", are covered by this order:

(1) All fruits, fruit juices, vegetables, vegetable juices, soups and baby foods, packed in hermetically sealed containers of any type and sterilized by the use of

(2) All frozen fruits and vegetables;

(3) All dried and dehydrated fruits.

The only foods in the above group which are not covered by this order are: candied fruits; cereals; chili con carne; frozen fruits and vegetables in containers over ten (10) pounds; fruit and vegetable juices in containers over one (1) gallon; fruit cakes; fruit puddings; jams; jellies; meat stews containing some vegetables: milk; olives; paste products, such as spaghetti, macaroni, or noodles, whether or not they are packed with added vegetable sauces; pickles; potato salad; preserves; relishes; and by-products of fruits or vegetables, such as soya bean oil, soya bean milk, fruit and vegetable dyes, and similar products. The foods not covered by this order are not processed foods as that term is used.

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to

cease to be processed foods.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie-that pie, and the peaches in it, are not processed foods.

SEC. 1.2 Processed foods are rationed by the point system. (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may

1 Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 21.1 of the order. be changed from time to time, as conditions require.

SEC. 1.3 Points come in the form of stamps, certificates and ration cheeks. (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the blue "stamps" in War Ration Book Two, which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally

given up by consumers.

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) and ration checks drawn on ration bank account. A certificate is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

## Article II—Consumers

Section 2.1 When a person is a consumer. (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

SEC. 2.2 Consumer may not purchase processed foods from February 21, 1943 to February 28, 1943. (a) From February 21, to February 28, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a

common table.)

SEC. 2.3 Consumers may purchase after February 28, 1943 only for points. (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points.

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

SEC. 2.4 How points are given up by consumer—(a) A consumer uses stamps. A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" taken from his War Ration Book Two. A stamp is not good unless the book from which it is taken has a validation stamp properly placed on its cover.

(b) Stamps may be used only during fixed periods. Each blue stamp in War Ration Book Two is good for a limited time only and a consumer may use it only during that time. The letter printed on the stamp is used to indicate the time when it may be used by a consumer. Stamps lettered "A," "B" and "C" may be used only during March 1943. Stamps lettered "D." "E" and "F" may be used only from March 25, 1943 to April 30, 1943, inclusive. The other blue stamps in War Ration Book Two may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration, even after they have begun.

(c) General rules for the use of stamps by consumers. A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time processed foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the processed foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken, or for use at a table at which

he eats.

(d) A consumer also uses certificates. Any consumer to whom a "board" issues a "certificate" may use it to acquire processed foods, just as the blue stamps from War Ration Book Two are used. The number of points a certificate is worth, and the date when it expires, will be shown on that certificate. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

(e) How mail order purchases are made. A consumer who orders produced foods for delivery by mail may detach stamps from his War Ration Book Two made. A consumer who orders processed stamps are good if the envelope in which they are inclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may exchange that check, at any Board, for a certificate which he can then use to get processed foods.

Sec. 2.5 Consumers who need more processed foods because of illness may apply for more points. (a) Any consumer whose health requires that he have more processed foods than he can get with War Ration Book Two, may apply for additional points. The application must be made, on OPA Form R-315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. He must submit with his application a written statement of a licensed or registered physician or surgeon, showing why he must have more processed foods, the

amounts and types he needs during the next two months, and why he cannot use

unrationed foods instead.

(b) If the board finds that his health depends upon his getting more processed foods, and that he cannot use or cannot get unrationed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods he needs during the next two months.

SEC. 2.6 Consumers who must purchase in quantity may apply for certificates. (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the blue stamps in his War Ration Book Two, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R-315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of the remaining blue stamps in his War Ration Book Two. The board must remove from that book, and cancel, blue stamps worth

the amount of the certificate.

SEC. 2.7 Service men on furlough may get certificates. (a) A person in the Army, Navy, Marine Corps or Coast Guard of the United States, who is on furlough for seven days or longer and who does not have a War Ration Book Two, may get a certificate for sixteen points for each week (or fraction of a week) of his furlough. He may get such a certificate by presenting his leave papers to any board. The board must write on the leave papers its designation, a statement that it has issued a certificate, the amount of the certificate, and the date of issuance.

SEC. 2.8 Consumers may give away home canned processed foods. (a) Any consumer may give (but not sell) to any other person processed foods which he has canned from fresh fruits or vegetables primarily for consumption in his own household. These gifts may be made and received without the surrender of points. Processed foods so received may not be sold. No consumer may give away a total of more than fifty quarts of processed foods in any one calendar year, under this section.

### Article III-Processors

Section 3.1 Explanation of the terms processor and processor establishment—
(a) A place where processed foods are produced is a processor establishment. Any place at which a "person" produces "processed foods" for sale or other "transfer", is a "processor establishment".

A person produces processed foods:

(i) If he bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) If he packs frozen fruits or vegetables in containers of ten pounds or less; or

(iii) If he sorts, washes, and dries or dehydrates fruits; or

 (iv) If he repacks frozen fruits or vegetables from containers over ten pounds into containers of ten pounds or less; or

(v) If he repacks fruit or vegetable juices from containers over one gallon into hermetically sealed containers of one gallon or less and sterilizes them by the use of heat; or

(vi) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit

(Note: Not all items in the above groups are processed foods as that term is defined. For example, fruit and vegetable juices packed in containers over one gallon are not processed foods. Canned olives are not processed foods. Therefore, a person who packs fruit juices in containers over one gallon, or who cans or bottles olives, does not thereby produce a processed food.)

(b) A place to which processed foods are imported is a processor establishment. Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, is also a processor establishment.

(c) A place where a person keeps only processed foods he produced is a processor establishment. The term processor establishment also includes a place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else, it is not a processor establishment, but it may be a "wholesale" or a "retail establishment," depending upon the nature of his operations there). There is, however, one case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else, to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else, only to use them to produce other processed foods, the place where he keeps them is a processor establishment.

(d) A place where processed foods produced only for own use is not a processor establishment. A place at which a person produces or imports processed foods only for his own use, and not for sale or transfer, is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in baking pies, or in serving meals, that place is not a processor establishment).

(e) Person who has processor establishment is a processor. Any person who has a processor establishment is called a "processor".

SEC. 3.2 Processors must register and file reports—(a) Registration. Every processor must register with the Office of Price Administration by filing OPA Form R-1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R-1305.

(b) Reports. Every processor must file a monthly report, also on OPA Form R-1305, covering the operation of his processor establishment during the month before. However, in reporting his production or imports of processed foods, a processor shall not include amounts which he used in grading the processed foods he produced or imported. The re-port must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent months must be filed within ten days after the end of the month.

(c) Some processors need not file reports for months after February 1943. A processor who produced or imported less than 10,000 pounds of processed foods during 1942 must register but need not file a report for any month after February 1943. However, if his total production and imports in 1943 reach 10,000 pounds, he must file reports beginning for the month in which that figure was reached.

(d) Processors must give information called for by form. The processor must give all information called for by OPA Form R-1305.

(e) Registration and reports must be filed in Washington. The processor's registration and monthly reports must be filed by mailing OPA Form R-1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

\*Sec. 3.3 Processor is given a registration number. (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

SEC. 3.4 Processor may not do business if he does not register and file reports. (a) No processor may transfer or "acquire" processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on

which a report is due from him, unless he has filed that report.

SEC. 3.5 Processors must report their inventories. (a) As part of his registration, a processor must report, on OPA Form R-1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each month must then be reported in his report for that month.

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of

that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establish-

Sec. 3.6 A processor must turn over the points he receives to the Washington office. (a) A processor is not permitted to buy or acquire processed foods with the points he gets for sales or transfers of processed foods which he produced or imported, except for two purposes:

(1) To get back processed foods he transferred if his transferee returns

them to him; or

(2) To acquire processed foods with which to produce other processed foods.

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the tenth day of every month he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the month before. A processor who is required to file monthly reports on OPA Form R-1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address and registration number.

(c) A processor who used some of those points to get back processed foods he transferred, or to acquire processed foods for reprocessing, must issue and send his check for the rest. He must enclose with his check a statement giving the name of the person who returned or from whom he acquired the processed foods, the items returned or acquired, and the point value of those items.

Sec. 3.7 A processor may acquire processed foods to fill out his own line. (a) A processor who does not regularly keep for sale or transfer stocks of processed foods which were produced or imported by someone else does not get an allow-able inventory as a "wholesaler". He may, however, occasionally acquire foods in order to fill out his own line. He is not permitted to use, for this purpose, points he received for transfers of processed

foods which he produced or imported. He may, therefore, apply to the Washington Office on OPA Form R-315, for a "certificate" for the number of points needed to acquire processed foods in order to fill out his own line. The application must show the reason he needs processed foods to fill out his line and the amounts and types he needs. If the Washington Office finds that he needs points to get processed foods to fill out his line and that he does not regularly stock processed foods produced or imported by someone else, it will issue to him a certificate for the number of points needed.

SEC. 3.8 Processors must keep records. (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agen-

(3) All processed foods used in producing other processed foods.

(b) He must also keep, at his principal business office, a copy of his registration and of his monthly reports on OPA Form R-1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

(c) In addition, at the time of any change in the point value of any item of processed foods, every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. If he has more than one processor establishment, he must make and keep such a record at each establishment.

## Article IV-Wholesalers

Section 4.1 Explanation of the terms wholesaler and wholesale establishment. (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "wholesale establishment", if fifty percent or more of those stocks are transferred from there directly to persons other than consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale estabments; or

(2) At least four of his "retail establishments".

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a wholesale establish-

(b) Any person dealing in processed foods who has a wholesale establishment is called a "wholesaler".

SEC. 4.2 Wholesalers must register and file reports—(a) Registration. Every wholesaler must register with the Office of Price Administration by filing OPA Form R-1310, at any time from April 1, 1943, to April 10, 1943, inclusive. The form must be completed and signed by the wholesaler or his authorized agent. If he has more than one wholesale establishment, he must file a combined registration for all of them on a single form.

(b) Reports. Every wholesaler must file a monthly report, also on OPA Form R-1310, covering the operations of his wholesale establishment during the month before. The report must be signed by him or by his authorized agent. If he has more than one wholesale establishment, he must file a separate report for each, except that he may combine in a single report all his wholesale establishments in a single state. The first report which must be filed is for March 1943, and is part of his registration. Reports for subsequent months must be filed within ten days after the end of the month.

(c) Wholesaler must give information called for by form. The wholesaler must give all information called for by

OPA Form R-1310.

(d) Registration and reports must be filed in Washington. The wholesaler's registration and monthly reports must be filed by mailing OPA Form R-1310 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

SEC. 4.3 Wholesaler may not do business if he does not register and file reports. (a) No wholesaler may transfer or "acquire" processed foods after April 10, 1943, unless he has registered in the

manner required.

(b) No wholesaler may transfer or acquire processed foods after any date on which a report is due from him unless he has filed that report.

SEC. 4.4 Wholesalers must report their inventories. (a) As part of his registration, a wholesaler must report. on OPA Form R-1310, the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale establishment, his registration must include a report of the total point value of his inventory at all those establishments. His inventory at the end of each month must then be reported in his report for that month.

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or

similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 4.5 Wholesalers must report their sales and points on hand. (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments;

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 1943. He must include all points which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet

(b) The point value of his transfers during each subsequent month, and the total number of points he has at the end of that month for which he can get processed foods, must then be reported

in his report for that month.

SEC. 4.6 A wholesaler is allowed a maximum inventory—(a) General. For each month beginning with April 1943. every wholesaler is entitled to an operating inventory (called a maximum allowable inventory) based on his transfers during the month before. This maximum allowable inventory is stated in terms of points.

(b) Amount of maximum allowable inventory. To get a wholesaler's maximum allowable inventory for any month, beginning with April 1943, the point value of all processed foods transferred from his wholesale establishments during the month before, is multiplied by a factor which the Office of Price Administration will fix for each month. The result is his maximum allowable inventory for the month in question. Exchanges of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation. The factor fixed for any month, beginning with April 1943, will be shown in the printed report form used during that month.

(c) Point inventory. (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, points he has received for processed foods which he has not yet shipped, are not included.

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his monthly report on OPA Form R-1310. (His maximum allowable inventory for the month during which the report is filed is also determined at the same time.)

(d) When a wholesaler is entitled to a certificate. If a wholesaler's maximum allowable inventory for any month is greater than his point inventory at the end of the month before, he is entitled to receive a "certificate", upon request, for the number of points needed to make up the difference. However, after April 1943, he is not entitled to a certificate unless that difference is more than 10% of his maximum allowable inventory. The certificate will be issued by the "Washington Office", after his report has been checked.

(e) Excess inventory for March 1943. If a wholesaler's point inventory at the close of business on March 31, 1943, is greater than his maximum allowable inventory for April 1943, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. The points are to be given up in the form of a certified check drawn on his ration bank account, payable to the Office of Price Administration. That check must be attached to and forwarded with his registration. A wholesaler who does not have enough points at the time of his registration, may accumulate points and forward them later, but he may not buy or acquire processed foods until he has done so.

SEC. 4.7 Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory. (a) A wholesaler must not acquire processed foods at any time when his actual inventory is larger than his maximum allowable inventory. A wholesaler also must not acquire processed foods if it would bring his actual inventory above his maximum allowable inventory. Even if he has points available, he may not use them to get more stock than is needed to bring his actual inventory up to his maximum allowable inventory. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods.

SEC. 4.8 Wholesalers may apply for emergency inventory adjustments during March 1943. (a) Any wholesaler who finds, during March 1943, that he does not have an adequate stock of processed foods to meet demands under rationing, may apply for an adjustment. The application is to be made, on OPA Form R-315, to the district office for the place where his principal business office is located (or, where there is no district office, to the State office). He must state, in his application, the approximate point value of his stocks, the point value of his sales or other transfers and the size of the inventory which he needs. The district (or State) office may call upon him for any other information which it finds necessary in order to act upon the application.

(b) If the district (or State) office finds that he does not have adequate stocks, it may issue to him a certificate for the number of points needed to bring his stocks up to an adequate working level.

(c) An adjustment may be granted under this Section only during March 1943. As soon as it has passed on the application, the district (or State) office must send the file in the case to the Washington Office.

SEC. 4.9 Wholesalers must keep records. (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each month. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R-1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the re-ports filed for it. (However, if he has filed a combined report for several wholesale establishments, he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.)

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. If he has more than one wholesale establishment, he must make and keep such a record at each

establishment.

### Article V-Retailers

SECTION 5.1 Explanation of the terms retailer and retail establishment. (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other transfer is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there.

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment.)

(b) Any person dealing in processed foods who has a retail establishment is

called a "retailer".

SEC. 5.2 Retailers must get statement of purchases during March 1943. (a) When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

SEC. 5.3 Retailers must register—(a) General. Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943, to April 10, 1943, inclusive, on OPA Form R-1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R-1302.

(b) Place where registration must be filed. A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments. in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment. as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) Filing by mail. Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

SEC. 5.4 Retailer may not do business unless he has registered. (a) No retailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

SEC. 5.5 Retailers must report their inventories. (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

SEC. 5.6 Retailers must report their sales and points on hand. (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments: and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

SEC. 5.7 Certain retailers need not report inventory and other information.

(a) A retailer whose gross sales of all commodities during March 1943 were under \$200 must register on OPA Form R-1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

SEC. 5.8 A retailer is given an allowable inventory—(a) General. Every retailer (except those who elect not to report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) Amount of allowable inventory. To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multiplied by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods, and transfers from one to another of his retail establishments, must not be included in this computation.

(c) Point inventory. (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, points he has received for processed foods which he has not yet shipped, are not included.

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at

the time of filing his registration on OPA Form R-1302.

(d) When a retailer is entitled to a certificate. If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a "certificate" for the number of points needed to make up the difference. The certificate will be issued by the Board with which he registers, or by the "Washington Office", if he is required to register with that office.

(e) What a retailer must do if he has excess inventory. If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. He must give up the points in the form of "stamps" or certificates, or, if he has a ration bank account, in the form of a certified check drawn on that account made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration, may accumulate and forward them later, but he may not buy or acquire processed foods until he has done

SEC. 5.9 Retailers may apply for emergency inventory adjustments during March 1943. (a) Any retailer who finds, during March 1943, that he does not have an adequate stock of processed foods to meet demands under rationing, may apply for an adjustment. A retailer who has only one retail establishment must apply to the Board for the place where that establishment is located. he has more than one retail establishment, he must apply to the Board where his principal business office is located. A person who has a processor or wholesale establishment as well as a retail establishment must apply to the district office for the place where his principal business office is located (or, where there is no district office, to the State office). application is to be made on OPA Form R-315, and must show the approximate point value of his stocks, the point value of his sales or other transfers, and the size of the inventory which he needs. The board (or the district or State office) may call upon him for any other information which it finds necessary in order to act upon the application.

(b) If the board (or the district or State office) finds that he does not have adequate stocks, it may issue to him a certificate for the number of points needed to bring his stocks up to an adequate working level.

(c) An adjustment may be granted under this section only during March 1943. If the district or State office passes on the application, the file in the case must be sent to the Washington Office.

SEC. 5.10 Retailers must keep records. (a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inven-

tory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. If he has more than one retail establishment, he must make and keep such a record at each establishment.

SEC. 5.11 Retailers must post point prices. (a) Beginning March 1, 1943, every retailer must post the Official Table of Point Values (OPA Form R-1313) in his retail establishment in such manner that it can be plainly seen and read by

purchasers.

- (b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:
- On the commodity itself; or
   On the shelf or other place where the commodity is kept; or
- (3) On a list attached to, or posted next to, the shelf or other place where the commodity is kept.

### Article VI-Industrial Users

SECTION 6.1 Explanation of the terms industrial user and industrial user establishment. (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not.) A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad, since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment", and not an industrial user establishment.

(b) Any "person" who operates an industrial user establishment is called an "industrial user".

SEC. 6.2 Industrial users must register—(a) General. Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943, to March 10, 1943, inclusive, on OPA Form R-1308, in duplicate. The registration form must be completed and signed by the industrial user or his au-

thorized agent. If he has more than one industrial user establishment, he must file a combined registration for all those establishments.

(b) Place where registration must be filed. The registration form must be filed, in person or by mail, with the "board" for the place where his principal business office is located. He must give all information called for by the form.

SEC. 6.3 Industrial user may not do business unless he has registered. (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

Sec. 6.4 Industrial users must report their inventories. (a) As part of his registration, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of any of his other establish-

ments of any type.

(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his industrial use. However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

SEC. 6.5 Industrial users must report their base period use. (a) As part of his registration, an industrial user must also report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following four month periods in 1942, called base periods:

(1) January to April, inclusive;(2) May to August, inclusive;

(3) September to December, inclusive.

If he has more than one industrial user establishment, he must file, as part of his registration, a separate report of his use in each.

- (b) The report must show his use, during those periods, of each of the following classes of processed foods:
  - (1) Canned and bottled;(2) Dried and dehydrated;

(3) Frozen.

In addition, the report must show his use, during those periods, of the following other foods: frozen fruits and vegetables, in containers over ten pounds; fruit and vegetable juices in containers

over one gallon; and jellies and preserves.

(c) If an industrial user's establishment was not in operation for the full base period his use of processed foods at

ment was not in operation for the full base period, his use of processed foods at the establishment during that base period is fixed, for all the purposes of this order, in the following way:

(1) If it was in operation during a part of the base period. (i) The amount of processed foods used there by him during that part of the period is determined; (ii) That amount is divided by the number of days it was in operation during the period; (iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations; (iv) The resulting figure is treated as the amount used during the base period.

(2) If it was not in operation at all during the base period. (i) The amount of processed foods used there by him during all of 1942 is determined; (ii) That amount is divided by the number of days it was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the base period.

(3) If it was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive. (i) The amount of processed foods used there by him between January 1, 1943 and February 28, 1943, inclusive, is determined:

(ii) That amount is divided by the number of days it was in operation between January 1, 1943 and February 28,

1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the base period.

(d) The rules set forth under (1) and (2) of the last paragraph do not apply where an industrial user establishment was not in operation during all or part of a base period because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1943, and the allotment must depend upon his actual use during the base period.

SEC. 6.6 Industrial users allotments—
(a) General. An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishments. Allotments are given for fixed periods, called allotments periods. The first allotment period is from March 1, 1943, through April 30, 1943. The second period is from May 1, 1943, through August 31, 1943. The third period is from September 1, 1943, through December 31, 1943.

(b) Application for allotments. An industrial user's registration is treated as an application for an allotment for the first allotment period. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is

registered. No particular form need be used for such an application. The application must be made not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period, unless he shows a good reason for applying at another time.

(Note: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.)

(c) Amount of allotment. An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishments during the four month base period in 1942 corresponding to the allotment period. (The base period corresponding to the first allotment period is January 1, 1942 through April 30, 1942.) amount of each class of processed foods (canned and bottled, dried, and frozen) used by him during the base period is multiplied by a factor fixed for that class by the Office of Price Administration in a supplement to this order. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods).

(d) Right to a certificate: excess inventory. (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is therefore, given a certificate for the number of points he needs in order to get that amount. However, if he has stocks on hand, he can use them for his allotment and therefore needs fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943 must be deducted from his allotment. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.)

(2) If the point value of an industrial user's inventory is less than his allotment, he is entitled to get, from the board with which he registers, a certificate for the number of points needed to make up the difference.

(3) If the point value of an industrial user's inventory is greater than his allotment, the difference is excess inventory. In that case, he is not entitled to receive a certificate for the first allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) Issuance of certificate. Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled, even if he has more than one industrial user establishment. However, if he is entitled to a certificate for more than 30,000 points for the second allotment period (May 1, 1943 to August 31, 1943, inclusive) the board must first issue a certificate for only one half of the total amount. A certificate for the balance is to be issued

to him at any time he requests it after June 26, 1943.

SEC. 6.7 Late registrants lose part of their allotment. (a) If an industrial user was in operation before March 1, 1943, but failed to register at the time required, the board may permit him to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods at the close of business on February 28, 1943.

(b) His allotment is computed in the same way as that of an industrial user who registered on time. However, his allotment is reduced in proportion to the part of the allotment period which had elapsed at the time he registered.

Sec. 6.8 Restrictions on use of processed foods by industrial users. (a) No industrial user may use, during an allotment period more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods.

(b) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory, or which he acquired with points he received as an industrial user.

SEC. 6.9 Industrial users must keep records. (a) Every industrial user must keep a copy of his registration at his principal business office. He must also keep a record of his inventory at the close of business on February 28, 1943. In addition, if he has more than one industrial user establishment, he must keep, at each establishment, a record of its inventory on that date. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, an industrial user must keep a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at each of his industrial user establishments during each allotment period. He must also keep a record of the amount of the following items used by him:

(1) Frozen fruits and vegetables in containers over 10 pounds;

(2) Fruit and vegetable juices in containers over 1 gallon;(3) Jams, jellies, and preserves.

Article VII-Combined Operations and

Article VII—Combined Operations and Combined Establishments

Section 7.1 A person who operates different types of establishments is treated as if he were different persons. (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment". For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments",

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEc. 7.2 The same person may be both a wholesaler or retailer and industrial user at the same place. (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods. (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there, it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods, and its stocks held for sale or transfer, must be included in that registration. It must also be registered as an industrial user establishment, and its stocks held for such use must be included in the industrial user registration.

trial user registration.

Sec. 7.3 The same person may be both a wholesaler or retailer and an institutional user at the same place. (a) If, in the case described in the last section, the person operated a restaurant at that place, as well as (or instead of) a bakery, it would also be an "institutional user establishment". (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

Sec. 7.4 The same person may be both a processor and a wholesaler or retailer at the same place. (a) A person may produce or import processed foods at a particular place, for sale or transfer.

He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else

produced or imported.

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

SEC. 7.5 The same place may be more than one establishment. (a) The situations described in the last three sections are examples of the rule that the same place may be more than one "establishment," depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one "establishment," it is treated just as if each of those "establishments" were located at

a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both

## Article VIII-Ration Bank Accounts

Section 8.1 A ration bank account is an account in which points are deposited.

(a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.\*)

SEC. 8.2 Who must open a ration bank account. (a) Processors. Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may, if he wishes, open a separate account for each

or for any group of them.

(b) Wholesalers. Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments". If he has more than one wholesale establishment, he may, if he wishes, open a separate account for each or for any group of them.

(c) Retailers. Every "retailer" whose gross sales of all foods during December 1942, were over \$5,000, and every retailer

(d) Industrial users. An "industrial user" is entitled to open a ration bank account, but is not required to do so. If he opens an account, he must use it for all his "industrial user establishments". However, if he has more than one industrial user establishment, he may open a separate account for each, or for any

group of them.

(e) Institutional users. The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

SEC. 8.3 All points must be deposited in the account. (a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of "stamps", certificates or ration checks.

SEC. 8.4 When points must be deposited—(a) Stamps. A person who has a ration bank account may not deposit stamps later than 20 days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good, are fixed in the supplement to this order.)

(b) Certificates. He may not deposit a certificate later than 20 days after the date which appears on it. (The fact that the certificate may have passed through several hands before reaching him does not give him any more time to

deposit it.)

(c) Effect of failure to deposit stamps or certificates. A stamp or certificate which was not deposited on time is not good, and may not be used or accepted for any purpose.

(d) Ration checks. Ration checks may be deposited at any time.

### Article IX—Sales and Transfers of Processed Foods

Section 9.1 No transfers may be made to consumers between February 21, 1943 and February 28, 1943. (a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions between consumers, covered in section 2.2 are excepted from this rule.)

SEC. 9.2 Only retailers, wholesalers and processors may transfer processed foods. (a) Beginning March 1, 1943, only "retailers", "wholesalers" and "processors" may sell or transfer processed foods. (Certain transactions be-

tween consumers, covered in section 2.3 (b), are excepted from this rule. Certain other exceptions are covered in Article X.)

SEC. 9.3 Transfers after February 28, 1943 may be made only for points. (a) Beginning March 1, 1943, no person may sell or transfer, and no person may buy or "acquire", processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined, means to sell, as well as to transfer in other ways. The word "acquire", means to buy, as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

The rules covering various kinds of transactions are set forth in the sections

which follow.

SEC. 9.4 How processed foods are transferred to consumers. (a) General. Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3 (b), are excepted from this rule. Certain other exceptions are covered in Article X.)

(b) How points are given up. Points may be given up by, and taken from, a consumer only in the form of blue "stamps" from his War Ration Book Two or a "certificate" issued for him.

(c) When points must be given up. The seller or transferor must take the points from the consumer at the time when the processed foods are transferred.

(d) When stamps must be detached. The seller or transferor may accept a stamp only if it is forn out of War Ration Book Two in his presence, and only if the book has a validation stamp on its cover. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

(e) When stamps are good. Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the stamp serves to indicate when it may be used by a consumer. Stamps lettered A, B and C may be accepted from a consumer, only during March 1943. Stamps lettered D, E and F may be accepted only from March 25, 1943, to April 30, 1943, inclusive. The periods during which other stamps may be accepted from a consumer are fixed by the Office of Price Administration in a Supplement to this order.

(f) Use of certificates. A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate is not valid for a transfer to a consumer after the date shown on its face, and may not be used or accepted for such a transfer after that date.

(g) Mail order sales. (1) Processed foods may be transferred to consumers by mail if a certificate or detached stamps are received with the order.

who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment, he may, if he wishes, open a separate account for each or for any group of them. Also, any retailer who receives stamps and "certificates" from, and makes transfers to, consumers by mail must have a ration bank account. However, a retailer who is not required to open a ration bank account is entitled to open one if he wishes.

<sup>&</sup>lt;sup>2</sup> For the purposes of General Ration Order 3A, blue "stamps" from the War Ration Book Two, certificates (Form OPA R-1201) and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

<sup>\*8</sup> F.R. 1130, 1449.

Stamps or certificates which are received after the last date on which they are good in the hands of the person who sent them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for

the balance.

(3) Before accepting stamps from and making transfers to consumers by mail. any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located (or, where there is no district office, the State office). The notice must give his name and principal business address, the nameand address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he must keep a record of the dollar volume of his transfers of processed foods to consumers by mail.

(4) No retailer may receive stamps or certificates from and make transfers to consumers by mail unless he has a ration

bank account.

SEC. 9.5 How processed foods are transferred to persons other than consumers—(a) General. Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an "industrial user" or "institutional user" only if he gives up to the seller (or transferor) points equal to the point value of the processed foods transferred. (Certain exceptions to this rule are covered in article X.)

(b) Point value. The number of points which must be given up for a transfer of processed foods is determined by their point value at the time of the

transfer.

(c) When points must be given up. The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. However, if the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee, at the time of actual delivery. If, in this case, where a transfer is made by delivery at a time when the transferee or his authorized agent is not present, the points may be given up later, but not more than seventy-two hours after the delivery.

(d) Form in which transferor must get points. The transferor may take points from the transferee only in the form of stamps, certificates or a ration check drawn on the transferee's ration bank

account.

(1) Stamps. No stamp may be accepted from the transferee more than

ten days after the last date on which it was good for use by a consumer. The stamps must be pasted on gummed sheets (OPA Form R-120), and the name and address of the transferee must be written on each sheet. Only stamps of the same point value and good during the same period may be pasted on the same sheet.

(2) Certificates. A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee. The certificate may not be accepted more than ten days after the date shown on its face. However, if it was issued to the transferee, it may not be accepted after the date shown on its face.

(3) Ration checks. A ration check may be accepted by the transferor only if it is made payable to him and if it is drawn by the transferee. If the transferor does not have, and is not required to have, a ration bank account, he must take the check to his "Board" and get a certificate in exchange for it.

(e) Form in which transferee must give up points—(1) Wholesalers and processors. A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank

account.

(2) Retailers. A retailer who has, or is required to have, a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps or certificates.

(3) Industrial and instutional users. An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Other industrial or institutional users may give up points only in the form of certificates.

(4) General. Points may be transferred freely between establishments of the same type operated by the same person, and points of one of those establishments may be used to get processed foods for another of them. However this rule does not apply to institutional user establishments which are registered separately under General Ration Order 5.

(f) Transfers to retailers during March 1943. A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

SEC. 9.6 Transfers between establishments of different types operated by the same person. (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer

processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

SEC. 9.7 Transferor may not use points he receives in advance until processed foods are transferred. (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

SEC. 9.8 Points may be returned for underdeliveries of processed foods. (a) If a retailer, wholesaler, or processor receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered. he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

## Article X-Point-Free Transfers

SECTION 10.1 Processed foods in transit on February 28, 1943, may be acquired point-free. (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 28, 1943.

(Note: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 28, 1943, must be included in the inventory which he reports in his registration.)

SEC. 10.2 Processed foods may be exchanged for other processed foods. (a) Any person may exchange processed foods with any other person, for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.)

SEC. 10.3 Lost or stolen processed foods may be returned, point-free. (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

SEC. 10.4 Stocks of processed foods may be moved point-free between establishments of the same person. (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person "transfers" processed foods between establishments

<sup>&</sup>lt;sup>4</sup> For convenience, the retailer, wholesaler, processor, or industrial or institutional user, to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.

of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

(b) This rule does not apply to the movement of stocks between "institutional user establishments" which are registered separately under General Ra-

tion Order 5.

Sec. 10.5 Processed foods may be stored and returned from storage, pointfree. (a) No points need be given up for a delivery of processed foods for stor-

age purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 Security interests in processed foods may be created and released, point-free. (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings-(a) General. No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial processed foods operation of law, order of a court, or judicial process. (For example, procjudicial process.6 (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) How transferee may dispose of the processed foods. A person who acquires processed foods in this way must within five days after acquiring them, report to the district office (or, where there is none, to the State office) for the place where his principal business office is located:

 The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not

use the processed foods unless he gives up to the district (or State) office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district (or State) office for points equal to their point value.

(c) Consumer inheritance. A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up

points.

SEC. 10.8 Processed foods may be acquired, point-free, by insurers or for salvage—(a) Acquisition of damaged processed foods. Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

 A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse

himself by taking them over;

(2) A person in the business of adjusting losses or of reconditioning or selling damaged articles.

(b) Disposal of the processed foods. The person acquiring the processed foods must, within five days after acquiring them, report to the district office (or, where there is none, to the State office) for the place where his principal business office is located:

(1) The kinds and point value of the processed foods acquired;

(2) The name and address of the person from whom he acquired them;

(3) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must, immediately after selling or transferring them, account to the district (or State) office for points equal to their point value. If he cannot dispose of them all, he must report to the district (or State) office the amount which was not salable.

Sec. 10.9 Processors may deliver samples, point-free. (a) A processor may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way, to any one buyer, more than four pounds of each kind of processed foods from any one pack which he produces or imports.

SEC. 10.10 Processed foods may be delivered to importer by customs official, point-free. (a) No points need be given up for a release or delivery of processed foods by an authorized customs official to the person who imported them.

SEC. 10.11 Processed foods may be transferred, point-free, in connection with transfer of a business. (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establish-

ment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

### Article XI-Sale of Business

Section 11.1 Sale or transfer of retail, wholesale, or processor establishment—
(a) General. (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered, or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it:

(ii) The point value of the inventory

transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(b) Purchaser of retail or wholesale establishment may get its points. purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory.) If the transferor has "stamps" or "certificates", he is to give them to the transferee. If the establishment has a ration bank account, the transferor is to issue a ration check to the transferee, for the number of points in the account less outstanding ration checks. (The transferee must use the check either to open a ration bank account for the establishment, or, if he does not open one, to get a certificate from the Board.)

(c) Seller of processor establishment must give up all points to the Office of Price Administration. A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

<sup>&</sup>lt;sup>6</sup> A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

(d) Same rules apply to sale of an entire chain. The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) Sale of part of a chain. Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office, the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

SEC. 11.2 Sale or transfer of industrial user establishments—(a) General. (1) When an industrial user sells or transfers to any other person the business and inventory of his industrial user establishment, for continued operation, both the transferor and transferee must notify the board at which the establishment is registered. The notice must be in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The point value of the inventory transferred;

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A.

(b) Transferor must give up unused points. The seller or transferor must give up to the board all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his certified ration check payable to the Office of Price Administration. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(c) Application for allotment by trans-The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board for the place where his principal business office is located, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment the good will, and the processed foods inventory, has been transferred;

(2) The transferee will continue to serve, from that establishment, the same general class of customers and the same area served by it before the transfer;

(3) The equipment of the transferred establishment will be continued in use

after the transfer; and

(4) The transferee will continue to produce, at the establishment, the same product or products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office (or, where there is none, to

the State office).

(d) Granting of allotment. If the district (or State) office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it shall assign to the transferee the transferor's allotment and base period use, for that establishment. It shall also give him a certificate for the number of points that the transferor surrendered to the board, or, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inven-The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) Same rules apply to sale of entire The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them, for continued operation.

(f) Sale of part of a chain. (1) When the seller or transferor has other industrial user establishments which are not sold or transferred, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and his base period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office, or, where there is none, to the State office. If the district (or State) office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base period use. It shall first determine the amount of the transferor's allotment and base period use allocable to the transferred establishment. That base period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment corresponding to the unexpired part of the allotment period. The base period use and the allotment assigned to the transferee shall be deducted from the base period use and current allotment of the transferor. district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods

transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administra-tion for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(g) Transferee's registration. A transferee is regarded as registered as soon as the district (or State) office assigns an allotment and base period use to him.

(h) Use of allotment by transferee. A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

### Article XII-New Businesses

SECTION 12.1 New retail establishments may be opened-(a) How stocks are obtained. A "person" who wishes to open a "retail establishment" after February 1943, may apply for a "certificate" to get stocks of "processed foods". application must be made, on OPA Form R-315, to the "board" for the place where the establishment will be located. he also has a "wholesale" or "processor establishment", he must apply to the "Washington Office", and not to the board.) The application must show:
(1) The proposed name and address

of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment: (4) The number of points he needs in

order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) Issuance of certificate. The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) Registration. At the end of his first full month of operation, he must register that establishment, on OPA Form R-1302, in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "trans-fers" of processed foods from that establishment during his first full month of operation, instead of during March 1943. and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he

applied on OPA Form R-315. (d) Procedure where no additional stocks are needed. Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he

must notify the board for the place where the establishment is located. If he also has a wholesale or a processor estab-lishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 12.2 New wholesale establishments may be opened—(a) How stocks are obtained. A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the Washington Office on OPA Form R-315.

The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) Issuance of a certificate. The Washington Office will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) Reports. Beginning for his first full month of operation, he must file reports for that establishment, on OPA Form R-1310, and follow the same procedure as a "wholesaler" who registered between April 1 and April 10, 1943.

(d) Procedure where no additional stocks are needed. Where the person who wishes to open the wholesale establishment has enough stocks, he need not apply on OPA Form R-315. He may begin operations with the stocks he has. However, before making any sales or transfers of processed foods from that establishment after April 10, 1943, he must notify the Washington Office. notice must be in writing and must give the name and address of the establishment and the point value of its inventory.

SEC. 12.3 New processor establishments may be opened. (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making any sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

(1) The name and address of the establishment;

(2) The type of processed foods he produces or imports there;

(3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R-1305, beginning for the month in which he started operations there.

SEC. 12.4 In special cases, allotments may be granted for new industrial user establishments. (a) A person who has or wishes to open an "industrial user establishment" which he did not operate

at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; and

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form R-315, to the board for the place where the establishment is or will be located. The application must show:

(1) The product the applicant will

make;
(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it:

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment:

(6) The amount of the allotment re-

quested.

(c) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office (or, where there is none, to the State office) It may attach its recommendation, if any, as to the action to be taken. The district (or State) office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(d) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

Article XIII-Closing of Business

SECTION 13.1 What a person who closes his establishment must do—(a) General. (1) Any "retailer", "whole-General. (1) Any "retailer", "whole-saler", "processor", or "industrial user" who goes out of the business of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washing-ton Office", if it is registered there. The notice must be given in writing, within five (5) days after he goes out of the business. It must show:

(i) The name and address of the establishment:

(ii) The point value of its inventory at the time he stopped doing business there: and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account, he must also notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) Closing of entire chain. The rules set forth in paragraph (a) of this section, also apply to a "person" who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points,

for all the establishments.

(c) Closing of part of a chain. person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establish-

ment closed.

(ii) If the establishment closed was a "wholesale" or "processor establish-ment", he must indicate that fact in his

next monthly report.

(2) A person who has several industrial user establishments may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office, or where there is none. to the State office. The district (or State) office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

Article XIV-Miscellaneous Adjustments

Section 14.1 Retailer may apply for inventory adjustments after March 1943—(a) How to apply. A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R-315, to the "board" with which he registered, or to the "Washington Office", if he registered there. The application must give the following information:

(1) The amount of his allowable inventory:

(2) The reasons why he claims that it is inadequate;

(3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;

(4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) Application based on increase of business. If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

(1) The point value of his sales or transfers upon which his allowable inventory was based is determined;

(2) The point value of his sales and transfers of processed foods, during the thirty days before the application is determined;

(3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the Supplement to this order for determining retailer allowable inventories:

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) Other applications. If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office, or, where there is none, to the State office. The board may attach its recommendation, when it transmits the application. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.2 Wholesaler may apply for inventory adjustments after March 1943—(a) How to apply. A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R-315, and must give the following information:

(1) The amount of his maximum allowable inventory for the month in which he applies;

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Washington Office may request.

(b) Action on application. The Washington Office will act on the application according to the circumstances of the case.

SEC. 14.3 Wholesalers and retailers may apply for point loans—(a) General. A retailer or a wholesaler may have

large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases, due to difficulties of transportation, a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) Application for a point loan. A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time, because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R-315, to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

(1) His allowable inventory;

(2) The reasons he needs a point loan;(3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) Action on application. If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) When Board may not act upon application. A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office or, where there is none, to the State office. It may attach its recommendation as to the action to be taken. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.4 Adjustments for lost, destroyed, stolen or spoiled processed foods—(a) Lost, destroyed or stolen processed foods—(1) How to apply. Any "person" whose processed foods were lost, destroyed or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. The application must be made on OPA Form R-315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

 (i) A description of the processed foods he wishes to replace, showing their point value; (ii) A description of the way in which they were lost, destroyed, stolen, or taken away.

He must also give any other information that the board (or the Washington Of-

fice) may request.

(2) Action on application. If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) Recovery of lost or stolen foods. If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the

foods he recovered.

(b) Spoiled processed foods. No adjustment is granted for processed foods which spoiled. These may be replaced only by exchanging them for good processed foods of equal point value. However, a "processor" may account, in his monthly report to the Washington Office, for processed foods which spoiled in his hands, or which he took back in an exchange.

(c) Processed foods used for sampling-(1) General. A retailer, wholesaler or industrial user who "acquires" processed foods from a processor may sample some of them in order to check grades and quality. He may not then be able to sell or transfer, or use the foods which he sampled. If he has given up points to the processor for processed foods which he had to sample, he may apply for a certificate for the number of points needed to replace them. The application must be made, on OPA Form R-315, to the board with which he is registered, or to the Washington Office. if he is registered there. The application must contain:

(i) The name and address of the processor from whom he acquired the processed foods:

(ii) A description of the processed foods he used for sampling, showing their point value and the date when he acquired them;

(iii) The reason he had to sample them;

(iv) A statement that he did not and was not able to sell or transfer the foods sampled, or use them for any other purpose;

(v) The number of points needed to replace them.

He also must give any other information that the board (or the Washington Office) may request.

(2) Action on application. If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the processed foods which he had to sample.

Sec. 14.5 Applications may be made for other adjustments—(a) How to apply. Any retailer, wholesaler, processor or industrial user who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R-315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state

in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

(b) Action on application. A board may not act upon an application under this section. It must send the applica-tion, together with all other information received, to the district office, or, where there is none, to the State office. It may attach its recommendation as to the action to be taken. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

### Article XV-Issuance and Use of Certificates

Section 15.1 How certificates are issued-(a) By whom issued. "Certificates" (OPA Form R-1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any person authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

(b) How certificates are issued. The "person" who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must

sign it and fill in:

(1) The number of points for which it is issued:

(2) The name of the person for whom

it is issued; and (3) The expiration date of the certificate, which is 60 days after the date

on which it is issued. A certificate which is not filled out in this way is not good for the acquisition of

processed foods and may not be used or accepted for that purpose.

SEC. 15.2 Certificates are good for a limited time. (a) A certificate may not be used by the person for whom it was issued after the date shown on its face. However, a "retailer" who "transferred" "processed foods" for a certificate may use it to acquire processed foods within ten days after the date shown on its face, if he does not have and is not required to have a ration bank account. Any person who has a ration bank account may deposit a certificate (whether it was issued to him, or received by him for a transfer of processed foods) within twenty days after the date shown on its face. A certificate is thus not valid for any purpose more than twenty days after the date shown on its face.

SEC. 15.3 A certificate must be endorsed. (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him,

if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

Sec. 15.4 Board may issue a certificate in exchange for a ration check. (a) A retailer who does not have, and is not required to have a ration bank account may take a ration check from a person to whom he sells or transfers processed foods. He cannot use the check, but he must give it to a board and get, in return, a certificate for the same number of points. The board must give a certificate to such a retailer in exchange for a ration check payable to him. He must endorse the check before exchanging it. (The way in which the board then handles the ration check is covered by General Ration Order 3A.)

(b) A consumer who has received a ration check because his mail order was not filled must exchange that check for

a certificate, at any board.

SEC. 15.5 Names of persons who have been given certificates may be posted. (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 Certificates are the property of the Office of Price Administration and may be revoked. (a) All certificates are the property of the Office of Price Administration, whether or not they have

been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

## Article XVI-Records, Reports and Inspections

SECTION 16.1 Records must be kept for two years. (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 16.2 Records may be inspected by Office of Price Administration. (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC: 16.3 Places where processed foods are kept may be inspected. (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 Records and reports are confidential. (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 Office of Price Administration may extend time for registration and reports. (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 Office of Price Administration may require applicants to give information. (a) The Washington Office, a "board", or a district manager, State director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for

passing on his case.

SEC. 16.7 Persons who produce certain items similar to processed foods must file reports. (a) Every person who, for sale or transfer, (1) packs frozen fruits or vegetables in containers over ten pounds, or (2) produces jams, jellies, preserves, fruit butters, pickles or relishes, or (3) cans or bottles fruit or vegetable juices in hermetically sealed containers containing over one gallon and sterilizes them by the use of heat, or (4) cans condensed or evaporated milk, or meat, or fish or shellfish in hermetically sealed containers sterilized by the use of heat, must file monthly reports on OPA Form R-1305. He must give all information as to those items called for by the

(b) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent months must be filed not later than ten days after the end of the month.

### Article XVII-Additional Records To Be Kept by Chains

SECTION 17.1 Chains must keep records of transfers of stocks and points between establishments. (a) Every person who has more than one "retail", "wholesale", or "processor establishment" must keep at each establishment a record, in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" at that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred or from which they were acquired. The record must show the amount of processed foods which were transferred or acquired either by items and sizes, or by point value. (However, no such record need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received there for transfers of processed foods from that establishment, the disposition of those points, and the dates of their

disposition.

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

## Article XVIII-Appeals

Section 18.1 Persons directly affected by action taken under this order can appeal. (a) Any "person" directly affected by the action of a "board", district manager, state director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under section 12.4 or section 14.5.

# Article XIX—Miscellaneous Rules and Prohibitions

Section 19.1 Additional prohibitions.

(a) No "person" shall use points unless he has received them in a way permitted by this or any other Order of the Office of Price Administration.

of Price Administration.

(b) No person shall "transfer", "acquire", use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp" or a certificate to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it. (1) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

Sec. 19.2 Stamps and certificates may not be taken by legal process or acquired by will. (a) No stamp, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a War Ration Book Two or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 19.3 Office of Price Administration must be notified of legal proceedings. (a) Any person who has a stamp, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, certificate or check.

### Article XX-Suspension Orders

Section 20.1 Office of Price Administration may issue suspension orders. (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any "transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

## Article XXI-Definitions

SECTION 21.1 Definitions. (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R-1201.

(4) "Consumer" means any "person" who "acquires" "processed foods" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food.

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means:

 (i) All fruits, fruit juices, vegetables, vegetable juices, soups, and baby foods, packed in hermetically sealed containers of any type and sterilized by the use of heat;

(ii) All frozen fruits and vegetables; (iii) All dried and dehydrated fruits. However, it does not include any of the following items: candied fruits; cereals; chili con carne; frozen fruits and vegetables in containers over ten (10) pounds; fruit and vegetable juices in containers over one (1) gallon; fruit cakes; fruit puddings; jams; jellies; meat stews containing some vegetables; milk; olives; paste products, such as spaghetti, macaroni, or noodles, whether or not they are packed with added vegetable sauces; pickles; potato salad; pre-serves; relishes; and by-products of fruits or vegetables, such as soya bean oil, soya bean milk, fruit and vegetable dyes, and similar products.

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer". A person is considered to "produce" if he:

(i) Bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) Packs frozen fruits or vegetables in containers of ten pounds or less; or

(iii) Sorts, washes, and processes dried or dehydrated fruits; or

(iv) Repacks frozen fruits or vegetables from containers over ten pounds into containers of ten pounds or less; or

 (v) Repacks fruit or vegetable juices from containers over one gallon into containers of one gallon or less; or

(vi) Uses processed foods to make other processed foods.

The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods. if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported. Finally, there is one case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods. that place is a processor establishment.

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there

directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

ments are supplied from there.

(14) "Retailer" means any "person"
who has a "retail establishment."

(15) "Stamp" means a blue stamp in, or taken from War Ration Book Two.

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he holds for sale or transfer is considered a transfer of those foods to himself. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington,

D. C.

- (18) "Wholesale establishment" means any place (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty per cent or more of those stocks are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:
- (i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

## Effective Date

This ration order shall become effective at 12:01 a. m. on March 1, 1943, except that sections 2.2, 9.1 and 21.1 shall become effective at 12:01 a. m. on February 21, 1943.

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2122; Filed, February 9, 1943; 12:59 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 272 under § 1499.3(b) of GMPR]

### MARVINS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, It is ordered:

§ 1499.1708 Approval of maximum prices for sales at retail by Marvins of a new model radio. (a) Marvins, 726-734

Seventh Street NW, Washington, D. C. may sell and deliver at retail only its new model radio designated in an application dated December 12, 1942, filed with the Office of Price Administration, which radio is composed of in part of an Air King Chassis No. 915, Oxford Lake Cabinet and R. C. A. Record Changer at a price no higher than \$113.50 exclusive of Federal Excise Tax.

(b) This Order No. 272 may be revoked or amended by the Price Administrator

at any time.

(c) This Order No. 272 (§ 1499.1708) shall become effective on the 10th day of February 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-2127; Filed, February 9, 1943; 12:53 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 273 Under § 1499.3 (b) of GMPR]

#### B. B. CHEMICAL CO.

Order No. 273—Maximum Prices Authorized under § 1499.3 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1709 Approval of maximum prices for sales of certain products manufactured by the B. B. Chemical Company. (a) The maximum prices for sales by the B. B. Chemical Company, 784 Memorial Drive, Cambridge, Massachusetts, of the following products manufactured by that company shall be the prices set forth below:

	Per gallon in 1-gallon containers	Per gallon in 5-gallon containers
J945 Adhesive Part B	\$3, 20	\$3.00
81-34 Activator	1, 52	1.32
81-37 Activator	1.37	1.17
81-41 Activator	1.75	1.55
81-42 Activator	1.92	1.72

(b) All discounts, trade practices, and practices relating to the payment of transportation charges in effect during March 1942 on the sale of the most closely comparable product by the B. B. Chemical Company shall apply to each maximum price set forth in paragraph (a).

(c) This Order No. 273 may be revoked or amended by the Price Administrator

(d) This Order No. 273 (§ 1499.1709)
 shall become effective February 10, 1943.
 (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2128; Filed, February 9, 1943; 12:52 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 274 Under § 1499.3 (b) of GMPR]

### ROCKWOOD & COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1710 Authorization of maximum prices for sales of Rum Flavor Chocolate Wafers in 25 pound containers by Rockwood & Company, a confectionery manufacturer, of Brooklyn, New York. (a) On and after the 10th day of February, 1943, Rockwood & Company of Brooklyn, New York, may sell and deliver for general distribution its Rum Flavor Chocolate Wafers in 25 pound lots in containers at the maximum delivered price of 21½ cents per pound.

(b) Rockwood & Company shall maintain the same discounts, allowances and differentials as established in the sale of 25 pounds of Mint Flavor Chocolate Wafers in containers unless the change

results in a lower price.

(c) Rockwood & Company shall notify each of its customers of the maximum delivered price established under paragraph (a) herein together with the manner in which wholesalers and retailers shall determine their respective maximum delivered prices by placing in or on each container of 25 pounds of Rum Flavor Chocolate Wafers a printed notice reading as follows:

The Office of Price Administration has authorized Rockwood & Company to manufacture and sell, in containers, its Rum Flavor Chocolate Wafers in 25 pound lots at the maximum delivered price of 21½ cents per pound. Rockwood & Company is instructed to advise its wholesalers and retailers that they are to determine their respective maximum delivered prices for this item by applying the provisions of § 1499.3 (a) of the General Maximum Price Regulation, as amended.

Rockwood & Company shall continue this notice until such time as all sellers of this item have received the said notice.

(d) This order No. 274 may be revoked or amended by the Price Administrator at any time.
(e) This order No. 274 (§ 1499.1710)

shall become effective February 10, 1943. (Pub. Laws 421 and 729, 77th Cong., 7 F.R. 7871, E.O. 9250)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

Administrator

[F. R. Doc. 43-2129; Filed, February 9, 1943; 12:52 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 192 Under § 1499.18 (b) of GMPR]

### STEFFEN CANVAS PRODUCTS

Order No. 192 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3—2085.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1093 Adjustment of maximum prices for shop aprons manufactured by Steffen Canvas Products. (a) E. H. Steffen, doing business as Steffen Canvas Products, of Eaton, Ohio, may sell and deliver and any person may buy and receive garments which are the same as or similar to those delivered by him during or before March 1942 under the following descriptions, at prices no higher than the prices indicated in Column 1 or 2 below, whichever shall apply:

	Col. 1	Col. 2
	Maximum	
Item	price to	Maximum
	whole-	price to
	salers and	retailers
	jobbers	
	B 100	-
44" 2.20 denim shop aprons	Per dozen	Per dozen
46" 2.20 denim shop aprons	\$4, 40 4, 55	\$4,70 4,85
48" 2.20 denim shop aprons	4.70	5, 00
50" 2.20 denim shop aprons	4.85	5, 15
52" 2.20 denim shop aprons	5,00	5, 30
44" 8 oz. B grade duck aprons	4, 50	4.80
46" 8 oz. B grade duck aprons	4, 65	4, 95
48" 8 oz. B grade duck aprons	4.80	5, 10
50" 8 oz. B grade duck aprons	4.95	5. 25
52" 8 oz. B grade duck aprons	5, 10	5, 40
42" 8 oz. D. F. bleached duck.		
bib aprons.	4.85	5, 15
bib aprons.  44" 8 oz. D. F. bleached duck		
blb aprons. 46" 8 oz. D. F. bleached duck	5, 05	5.35
bib enemy	5, 25	5, 55
blb aprons. 40" 8 oz. D. F. bleached duck	0. 20	0.00
waist aprons	4.70	5, 00
waist aprons. 42" 2.28 bleached drill bib	30.00	0.00
aprons	4, 40	4,70
44" 2.28 bleached drill bib	100.00	27.50
aprons	4, 55	4.85
aprons. 46" 2.28 bleached drill bib	-	
oprope	4.70	5, 00
40" 2.28 bleached drill waist	TA Security	
aprons	4. 20	4. 50
	-	

(b) The adjustment granted to Steffen Canvas Products in paragraph (a) is subject to the following conditions:

(1) All discounts, trade practices and practices relating to shipping and shipping charges in effect in March 1942 shall be applicable to the maximum prices set forth in paragraph (a) hereof.

(2) Steffen Canvas Products shall mail to any wholesaler, jobber, or retailer who purchases the commodities listed above, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of our shop aprons from \$\_\_\_\_\_ to \$\_\_\_\_ per dozen. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise your maximum prices for these aprons.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 192 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 192 is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(f) This Order No. 192 shall become effective February 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2130; Filed, February 9, 1943; 12:52 p. m.] PART 1499—COMMODITIES AND SERVICES [Order 15 Under § 1499.29 of GMPR]

#### THE CELOTEX CORPORATION

Order No. 15 under § 1499.29 of the General Maximum Price Regulation— Docket No. GF3-3066.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

\$ 1499.415 Adjustment of maximum prices for bagasse manufactured by the Celotex Corporation. (a) The Celotex Corporation, Chicago, Illinois, may sell and deliver to the United States Treasury Department, Procurement Division, Lend-Lease Section, approximately 6720 short tons of bagasse contracted to be sold by it under Contract No. DA-TPS-23971, United States Treasury Department, Washington, D. C., at a price not higher than \$17.00 per short ton, f. a. s. New Orleans, Louisiana.

(b) All prayers of the application not

granted herein are denied.

(c) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 15 (§ 1499.415) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(e) This Order No. 15 (§ 1499.415) shall become effective February 9, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-2131; Filed, February 9, 1943; 12:52 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,1 Amendment 37]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Paragraph (a) in § 1394.5253 is amended; in § 1394.5651, the phrase "March 1, 1943" is amended to read "February 9, 1943"; in § 1394.5653 (f) subparagraph (1) is amended; in § 1394.5707 (b) subparagraph (1) is amended; as set forth below:

## Heat and Hot Water Rations

§ 1394.5253 Same; establishment of consumption during base period. (a) An applicant for a ration for heat or for heat and hot water in any premises, other than a house trailer, or for hot water in premises other than a private dwelling, shall establish fuel oil consumption in the premises for such purpose during the base period. He shall, except for good cause shown, obtain from each dealer or supplier from whom fuel

\*Copies may be obtained from the Office of Price Administration.

17 F.R. 8480, 8708, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10181, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 698, 977, 1203, 1235, 1282, 1681, 1636,

oil was purchased for such use during the base period, a certification showing the total amount of fuel oil purchased from such dealer or supplier during the base period for the equipment for which the application is made, except that in "Area A", if such dealer or supplier cannot, for good cause shown, furnish such certification for the base period. the applicant may obtain from such dealer or supplier a certification of purchases made during the nearest consecutive twelve (12) months period subsequent to the commencement date of the base period. A certification from each such dealer or supplier shall be annexed to and submitted with the application: Provided. That such certification shall not be required if the ration applied for is to be used in a portable space heater. \*

Restrictions on Transfers to and by Consumers

§ 1394.5653 Transfers to consumers in exchange for coupons. \* \* \*

(f) \* \* \*

(1) No consumer may accept such transfer unless he has applied for and has reasonable cause to believe that he is entitled to receive a ration, for the purpose for which the transfer is made, which will, when issued enable him to surrender to the transferor coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred: *Provided*, That in "Area A", the provision of this subparagraph (1) shall not be applicable prior to February 18, 1943.

Provisions Relating to Dealers and Suppliers

§ 1394.5707 Restrictions on transfers.

(b) \* \* \*

(1) No dealer or supplier may accept a transfer pursuant to this paragraph unless he has filed an application for registration with a board in accordance with the provisions of § 1394.5701: Provided, That in "Area A" the provisions of this subparagraph (1) shall not be applicable prior to February 14, 1943.

This amendment shall become effective on February 9, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562; Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2136; Filed, February 9, 1943; 4:05 p. m.]

PART 1410-WOOL

[RPS 58 as Amended, Amendment 12]

WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this amendment

<sup>&</sup>lt;sup>1</sup>7 F.R. 2397, 2580, 2543, 3088, 3271, 4117, 4296, 4299, 4428, 5512, 6494, 7602, 7945, 8941, 8948, 10257.

has been prepared and is issued simultaneously herewith.

Paragraph (e) of § 1410.64 is amended as set forth below:

§ 1410.64 Appendix D: Maximum prices for wool yarns. \* \*

(e) Yarns spun from blended wool and other fibers—(1) Blended yarns spun on the woolen or worsted systems. Where yarns are spun from blended wool and other fibers on the woolen or worsted systems the maximum price shall be a price reduced from the applicable maximum price for yarns spun from wool by the amount thereby saved in raw material costs. In computing such costs the following percentages of the costs of the raw materials shall be added to cover losses due to waste:

Up to 20% wool content add 10%. From 21% to 40% wool content add 8%. From 41% to 80% wool content add 6%. From 81% to 95% wool content add 4%.

Where yarns are spun from blended wool and mohair on the woolen or worsted systems the maximum price shall be a price reduced from the applicable maximum price for yarns spun from wool by the amount thereby saved in raw material costs. The amount saved in raw material cost shall be the difference between the actual price paid for the mohair top used and the maximum price for that portion of wool tops for which the mohair is substituted.

(2) Blended yarns spun on a system other than the woolen or worsted system—(i) Maximum prices for 50% wool and 50% cotton merino yarns, carded or combed, spun on the cotton system. The maximum prices set forth below for the following types of merino yarns spun on the cotton system include freight up to one cent per pound to the purchaser's place of business. If the seller does not pay such freight the maximum price shall be that shown herein less freight up to one cent per pound at the lowest published rate. Terms of sale shall be 2% up to 15 days or 30 days net cash.

Cot- ton count	Туре	Price per pound
10/1	50% domestic wool, 50% cotton, carded. 25% domestic wool, 25% foreign wool,	\$1.26
10/1	50% cotton, carded	1, 23
10/1	50% foreign wool, 50% cotton, carded	1,20
10/1	50% domestic wool, 50% cotton, combed. 25% domestic wool, 25% foreign wool,	1.34
10/1	50% cotton, combed	1.31
10/1	50% foreign wool, 50% cotton, combed	1.28

The maximum prices for single merino yarns of one of the above type of counts above 10/1s shall be the maximum prices set forth above to which shall be added:

1/4 cent per pound for each count to 20/1s, inclusive.

½ cent per pound for each count from 21/1s to 50/1s, inclusive.

The maximum prices for single merino yarns of one of the above types of counts less than 10/s shall be the maximum prices set forth from which shall be deducted 1/4 cents per pound for each count.

(ii) Maximum prices for other blended yarns spun on a system other than the

woolen or worsted system. Except for the types of yarns enumerated in subdivision (i) above the maximum price for yarns spun from blended wool and other fibers on a system other than the woolen or worsted system shall be determined in accordance with the General Maximum Price Regulation<sup>2</sup> or, where applicable, Maximum Price Regulation No. 157.<sup>3</sup>

§ 1410.60 Effective dates of amendment. \* \*

(n) Amendment No. 12 (§ 1410.64 (e)) to Revised Price Schedule No. 58, as amended, shall become effective February 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-2137; Filed, February 9, 1943; 4: 05 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 201,\* Amendment 5]

### VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Paragraph (b) of § 1418.102, paragraph (c) (2) of § 1418.106 and § 1418.111 are amended.

§ 1418.102 Maximum prices for commodities not actually produced or manufactured in the Virgin Islands of the United States. \* \*

(b) Where a seller offered for sale or delivery to a buyer in the Virgin Islands of the United States any commodity for which a maximum price regulation has been issued in the continental United States and which is not actually produced or manufactured in the Virgin Islands of the United States, and the maximum price of such commodity cannot be determined under the provisions of paragraph (a) of this section, the maximum price of such commodity shall be determined in accordance with the following procedure. The seller of such commodity shall file in duplicate with the Territorial Office of the Office of Price Administration, St. Thomas, Virgin Islands of the United States, a sworn petition containing:

(1) A description of the commodity (2) A statement of the facts which prevent determination of the maximum price under paragraph (a) of § 1418.102.

(3) The price charged by sellers of the same competitive class for the same or similar commodity.

\*Copies may be obtained from the Office of Price Administration. 27 FR. 3153, 3330, 3666, 3990, 3991, 4337,

27 F.R. 3153, 3330, 3666, 3990, 3991, 4337, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

\*7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948.

\*7 F.R. 6269, 6744, 8947, 10231.

(4) A statement of the direct cost of the commodity to the seller.

(5) The price at which the seller intends to offer the commodity for sale,

(6) Such other facts which the seller deems relevant in the determination of a price for such commodity.

The Territorial Director in the Virgin Islands of the United States may authorize a price which is in line with the maximum prices of other similar sellers of the same or similar commodity, or may, in his discretion, forward the petition to the Administrator for the Ninth Region in Washington, D. C. If a seller objects to a price authorized by the Territorial Director, he must file such objection with the Territorial Office of the Office of Price Administration, St. Thomas, Virgin Islands of the United States within 15 days after the date the notice of price authorization by the Territorial Director was postmarked. If, at the expiration of 30 days from the date the price authorization is signed by the Territorial Director, the Administration for the Ninth Region does not issue an order establishing a maximum price other than the maximum price authorized by the Territorial Director, the seller may thereafter continue to sell such commodity at a price not in excess of the maximum price authorized by the Territorial Director. The Administrator for the Ninth Region may from time to time make such changes in the authorized maximum prices as in his judgment changes in circumstances require. Such increases or decreases in maximum prices shall not have retroactive effect. If a seller objects to a price authorized by the Administrator for the Ninth Region, he may obtain review in accordance with the provisions of Procedural Regulation No. 7.

§ 1418.106 Records and reports.

(c) Lists to be filed. \* \* \*

(2) Every person offering to sell or deliver to a buyer in the Virgin Islands of the United States commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Virgin Islands of the United States, shall prepare, not later than March 1, 1943, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, the following information:

(i) A list of all such commodities offered for sale by such person and the selling price thereof.

(ii) The direct cost, as defined herein, of every such commodity listed.

(iii) The amount of markup which the seller added on sales to a purchaser of the same class for the same commodity during the period November 7, 1941 to December 6, 1941, inclusive, or if the same commodity was not sold to a purchaser of the same class during such period, then the amount of markup the seller added during the last thirty days prior to November 7, 1941, at which a sale was made.

Any person who claims that substantial injury would result to him from making such statement available to any other person may file on or before March 1, 1943 this information, if such information has not heretofore been filed with the office of Price Administration, St. Thomas, Virgin Islands of the United States.

§ 1418.111 Applicability of other maximum price regulations. The provisions of this Maximum Price Regulation No. 201 supersede the provisions of all other maximum price regulations, except where other maximum price regulations provide that notwithstanding Maximum Price Regulation No. 201 such other regulations shall be applicable in the Virgin Islands of the United States.

§ 1418.116 Effective dates of amendments. \* \* \*

(e) Amendment No. 5 (§§ 1418.102 (b), 1418.106 (c) (2) and 1418.111) to Maximum Price Regulation No. 201 shall become effective February 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O., 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-2138; Filed, February 9, 1943; 4:05 p. m.]

PART 1499—COMMODITIES AND SERVICES [Amendment 4 to Supp. Reg. 13 1 of GMPR 2]

### TERRITORIES AND POSSESSIONS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Paragraph (c) is added to § 1499.202.

§ 1499.202 Applications for adjustment of maximum prices by sellers in the territories and possessions \* \* \*

(c) The Regional Administrator of the Office of Price Administration for the Ninth Region, or such other territorial directors or district managers as may be authorized by such regional administrator, are authorized to make adjustments or act upon applications for adjustment under this paragraph (b) above.

§ 1499.203 Effective dates. \* \* \*
(e) Amendment No. 4 (§ 1499.202 (c)) to Supplementary Regulation No. 13 to the General Maximum Price Regulation shall become effective February 9, 1943.
(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of February 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-2139; Filed, February 9, 1943; 4:05 p. m.]

\*Copies may be obtained from the Office of Price Administration. 17 F.R. 3153, 3330, 3666, 3990, 3991, 4339,

<sup>1</sup>7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 5794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

<sup>2</sup>7 F.R. 4798, 5058, 5911; 8 F.R. 980.

TITLE 36—PARKS AND FORESTS
Chapter I—National Park Service

PART 3-NATIONAL CAPITAL PARK REGULA-

TRAFFIC AND MOTOR VEHICLE REGULATIONS

Pursuant to the authority contained in the act of January 15, 1942 (Public Law 401, 77th Cong., 2d sess.), § 3.11 of Part 3, Title 36, Code of Federal Regulations, is amended by adding thereto a new paragraph (w) reading as follows:

§ 3.11 Traffic and motor vehicle regulations; horses; penalties. \* \* \*

(w) No vehicle of any kind shall be parked, stored, or left, whether attended or not, on any public grounds or property, other than public highways, in the District of Columbia which are under the jurisdiction of the National Park Service, except upon proper authorization by the Director of the National Park Service. Any vehicle parked, stored, or left in violation of the provisions of this paragraph is subject to removal and impoundment until the owner thereof, or other duly authorized person, shall de-posit collateral in the police court of the District of Columbia for his appearance in said court to answer for such violation. Any person who violates the provisions of this paragraph shall be punished by a fine of not more than \$25.

(Pub. Law 401, 77th Cong., 2d sess.)

Issued this 29th day of January 1943.

ISEAL!

ABE FORTAS,

Under Secretary of the Interior.

[F. R. Doc. 43-2153; Filed, February 10, 1943; 10:25 a. m.]

## TITLE 42-PUBLIC HEALTH

Chapter I—United States Public Health Service, Federal Security Agency

PART 21-ARSPHENAMINE AND DERIVATIVES

INTERSTATE AND FOREIGN TRAFFIC

Amendment to regulations for the control of the manufacture, importation, and sale of Arsphenamine and its derivatives, referred to collectively as "The Arsphenamines".

Pursuant to the authority contained in section 4 of the act of July 1, 1902, 32 Stat. 729 (42 U.S.C. 145) and the act of July 2, 1942, 56 Stat. 583 (Public Law 647). Title 42, § 21.1 of the Code of Federal Regulations (section 1 of Regulations for the Control of the Manufacture, Importation, and Sale of Arsphenamine and its Derivatives, Referred to Collectively as "the Arsphenamines", approved June 27, 1938) is hereby amended to read as follows:

§ 21.1 Interstate and foreign traffic. The arsphenamines (which term as used in this part means arsphenamine, its derivatives, and other organic arsenic compounds therapeutically analogous thereto) shall not be sold, bartered, or exchanged, or offered for sale, barter, or exchange in the District of Columbia, or sent, carried, or brought for sale, barter, or exchange from any State, Territory,

16 F.R. 5116; 7 F.R. 7998.

or the District of Columbia, into any State, Territory, or the District of Columbia, or from any foreign country into the United States, or from the United States into any foreign country, except after compliance with the regulations set forth in this part.

[SEAL] JAMES C. MAGEE, Surgeon General, U. S. Army.

> LUTHER SHELDON, Jr., Acting Surgeon General, U. S. Navy,

> Thomas Parran, Surgeon General, U.S. Public Health Service.

Approved: Feb. 8, 1943
Watson B. Miller,
Acting Federal Security
Administrator.

[F. R. Doc. 43-2158; Filed, February 10, 1943; 11:00 a. m.]

### Notices

### POST OFFICE DEPARTMENT.

[Order 19687]

RESTRICTIONS ON OVERSEAS SHIPMENTS TO ARMY PERSONNEL

JANUARY 7, 1943.

The War Department has informed the Post Office Department that in view of the heavy demands being made on cargo space for military shipments and because of the limited facilities available to commanders of theatres of operations for delivery of mail, the volume of mail dispatched to overseas destinations must be kept to a minimum. Therefore, in accordance with the recommendations of the War Department, the following restrictions on mail for Army personnel addressed to APO's overseas, other than official shipments and shipments to military agencies, shall become effective January 15, 1943.

1. No parcel exceeding 5 pounds in weight, or 15 inches in length, or 36 inches in length and girth combined, shall be accepted for dispatch to APO's overseas for individuals. (It is contemplated that there will be no exceptions to the weight and size limits for parcels to individuals.)

2. Except as hereinafter provided, no parcels shall be accepted for dispatch to APO's outside the continental United States unless they contain such articles only as are being sent at the specific written request of the addressee, approved by the battalion or similar unit commander of the addressee.

3. Individual copies of newspapers or magazines shall be accepted for dispatch to APO's outside the continental United States only where subscriptions are specifically requested in writing by the addressee or for which subscriptions are now in effect. Such copies to individuals shall be accepted only from publishers who shall place on the wrapper, or on the publication when a wrapper is not used, a certificate (which shall be regarded as sufficient to authorize their acceptance) reading as follows:

Mailed in conformity with P. O. D. Order No. 19687.

4. No circular matter of the third class should be presented for mailing to APO's overseas, as the War Department advises that it will not be dispatched from

ports of embarkation.

5. V-Mail will be transmitted, either when microfilmed or in its original form, to all APO's overseas and transported by airplane where such facilities are available. Although letters prepaid at the air mail rate of six cents per half ounce will continue to be transported by airplane as far as the ports of embarkation, the War Department advises that no assurance can be given that such letters, other than V-Mail, will be dispatched by airplane from ports of embarkation to localities overseas served by V-Mail.

Referring to Restriction 2 above, the War Department states that individuals serving overseas desiring to request the mailing of parcels to them will be required to include in their request the following:

1. A general description or name of article requested.

2. The grade or rating, the complete address, and the signature of the individual (addressee) making request.

The request will be presented to the battalion or similar unit commander who will approve it when the circumstances justify. Requests of officers not assigned to organizations or separate units will be approved by the next higher or theatre headquarters. In case the individual making the request is a civilian, the request will be approved by the commanding officer of the installation concerned.

Parcels addressed to individuals at APO's overseas must be accompanied with the approved written request from the addressee as above set forth when presented for mailing. The request shall be postmarked by the accepting employee in such manner as to prevent its reuse and then be returned to the sender.

Discontinuance of Insurance and C.O.D. Services and Curtailment of Registry Service for Army Personnel

No matter addressed to members of the armed forces or other persons receiving mail through APO's overseas shall be accepted as insured or C.O.D. mail.

Similarly, letters or packages containing money or other articles of value except valuable papers addressed to members of the armed forces at such overseas APO's, or to other persons receiving mail through such APO's, shall be refused registration. However, letters containing valuable or important papers may be registered. No postal indemnity will be paid in connection with registered letters containing the valuable or important papers. The public should be warned that it is not advisable to inclose currency in ordinary letters and the use of money order service for remittances recommended.

### General Instructions

Mail addressed for delivery to APO's outside the continental United States shall embrace all that which is addressed to such APO's in care of the

postmaster at New York, New York, San Francisco, California, Seattle, Washington, New Orleans, Louisiana, Miami, Florida, or Presque Isle, Maine.

Mail of any character originally addressed to individuals at Army posts, camps or stations in the continental United States and received at such places after departure of the addressees for an overseas destination will be forwarded

The restrictions of this order apply only to personnel of the U. S. Army and to contractors and civilians served though APO's outside the continental United States. They do not apply to mail for personnel of the Navy, Marine Corps or Coast Guard, nor to International mail which will continue until further notice to be subject to the provisions of Order No. 17471 of April 20, 1942, and the general permits thereunder in so far as applicable.

None of the restrictions in this order apply to official shipments and shipments to military agencies overseas nor to any mail from APO's outside the continental United States to points in the United States.

Postmasters shall return to the senders, marked "Dispatch prohibited by Order No. 19687" any prohibited matter obviously accepted for mailing after January 15, 1943.

This action is prompted by military necessity and it is believed that the public will cheerfully comply.

[SEAL] FRANK C. WALKER, Postmaster General.

[F. R. Doc. 43-2144; Filed, February 10, 1943; 10:29 a. m.]

## DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1409]

CARL NYMAN

ORDER REDESIGNATING TRIAL EXAMINER AND CHANGING PLACE OF HEARING

In the matter of the petition of Carl Nyman, a code member in District No. 20 for revision of the minimum prices for the coals, for truck shipment, produced from the National Mine (Mine Index No. 179), in District No. 20, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

A hearing upon the original petition in the above-entitled matter convened at Washington, D. C., on July 21, 1942 pursuant to a Notice of and Order for Hearing entered therein on May 2, 1942 as amended by the Order of June 3, 1942.

Carl Nyman, code member producer in District No. 20, the original petitioner, was not represented at the above-mentioned hearing, nor was any evidence introduced in support of the relief requested in the original petition. Accordingly, the hearing was continued pending further order of the Director.

It appearing that a change in the place of hearing in this matter will not result in inconvenience to either the Division or interested persons;

Now, therefore, it is ordered. That the place of hearing in the above-entitled matter be, and it hereby is, changed from Washington, D. C. to a hearing room of the Division at Courthouse, Salt Lake County, Salt Lake City, Utah.

It is further ordered, That the hearing

It is further ordered, That the hearing in the above-entitled matter be resumed on March 27, 1943 at 10 o'clock in the forenoon of that day at the place above

designated.

It is further ordered, That D. C. McCurtain shall preside at such hearing vice Edward J. Hayes.

Dated: February 9, 1943.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 43-2175; Filed, February 10, 1943; 11: 21 a. m.]

[Docket No. B-277]

MARKET STREET COAL CO.

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of J. H. Cox & R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, Code Member.

The hearing in the above-entitled matter having been postponed by an Order issued herein dated October 15, 1942, to a time and place to be thereafter designated by an appropriate order; and

designated by an appropriate order; and The Director deeming it advisable that said hearing should now be rescheduled;

Now, therefore, it is ordered, That the hearing in the above-entitled matter shall be held on March 19, 1943, at 10 a.m. at a hearing room of the Bituminous Coal Division at the Court House, Chattanooga, Tennessee; and

It is further ordered, That Charles O. Fowler, or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated; and

It is further ordered, That the notice of and Order for Hearing issued June 25, 1942, shall, in all other respects, remain in full force and effect.

Dated: February 9, 1943.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 43-2171; Filed, February 10, 1943; 11:20 a. m.]

[Docket No. B-280]

KIRKPATRICK COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of Kirkpatrick Coal Company, Registered Distributor, Registration No. 5103.

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine:

A. Whether Kirkpatrick Coal Company, Registered Distributor, Registration No. 5103, (the "Registered Distributor") whose address is Dermon Building,

Memphis, Tennessee, has violated any provisions of the Act, and orders, rules and regulations of the Division promulgated thereunder, the Marketing Rules and Regulations and Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement"), dated July 21, 1939 and filed by the Registered Distributor pursuant to an order of the National Bituminous Coal Commission dated March 24, 1939 and adopted as an order of the Bituminous Coal Division by order of the Secretary of the Interior, dated July 1, 1939, and particularly, whether, subsequent to November 14, 1939, the effective date of registration of the Registered

1. During the period March 7, 1941 to April 30, 1941, both dates inclusive, while acting as agent for the Kentucky Coal Agency, Madisonville, Kentucky, and as sub-agent for the Beech Creek Coal Company, Code Member, pursuant to a sales agency agreement dated September 28, 1940 and filed with the Division on October 22, 1940 between said Code Member and the Registered Distributor, and a sub-sales agency agreement dated September 13, 1938 between said Code Member, the Registered Distributor and the Kentucky Coal Agency filed with the Division on December 11, 1941, the Registered Distributor sold for railway locomotive fuel use approximately 519.85 net tons of various sizes of double-screened and lump coal produced at the Beech Creek Mine, Mine Index No. 1, to the Louisville-Nashville Railroad Company, Seaboard Airlines Railroad Company and Gulf Mobile and Ohio Railroad Company at prices ranging from \$1.49 to \$1.65 per net ton f. o. b. the mine, which coal was substituted for mine run coal having a lower minimum price than lump and double-screened coal, and failed to file immediately with the Statistical Bureau for District No. 9 applications for such substitutions. In said transactions the applicable minimum f. o. b. mine price for said lump and double-screened coal was \$1.80 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck. Each such transaction was a violation of section 4 II (e) of the Act and Part II (e) of the Code and Rule 1 of section XI of the Marketing Rules and Regulations resulting in a violation by the Registered Distributor of paragraphs (b) and (e) of the Agreement.

2. During the period November 8, 1940 to May 12, 1941, both dates inclusive. while acting as agent for the Kentucky Coal Agency, Madisonville, Kentucky, and as sub-agent for the said Beech Creek Coal Company, pursuant to the said sales agency agreement and said sub-sales agency agreement, the Registered Distributor sold approximately 16233.05 net tons of various sizes of coal produced at the Beech Creek Mine and intentionally misrepresented the sizes thereof by falsely recording on the invoices therefor sizes other than those actually sold and shipped. Each such transaction was a violation of section 4 II (i) 8 of the Act, Part II (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules

and Regulations, resulting in a violation by the Registered Distributor of paragraphs (c) and (e) of the Agreement.

3. During the period December 27, 1940 to June 30, 1941, both dates inclusive. while acting as sales agent for the Pine Hill Mining Company, Code Member, pursuant to a sales agency agreement dated September 28, 1940, filed with the Division on October 21, 1940, the Registered Distributor sold for railway locomotive fuel use approximately 698.85 net tons of double-screened coal produced at the Pine Hill Mine, Mine Index No. 320, in District No. 9, to the Illinois Central Railroad Company and Columbus & Greenville Railroad Company at prices ranging from \$1.49 to \$1.65 per net ton f. o. b. the mine which coal was substituted on order for mine run coal having lower minimum prices than dou-ble-screened coal, and failed to file immediately with the Statistical Bureau for District No. 9 application for such substitutions. In said transactions the applicable minimum f. o. b. mine price for double-screened coal was \$1.80 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck as amended by temporary Supplement "R" annexed to and made a part of the Order of the Director dated November 28. 1940 entered in Docket No. A-257 which Supplement became final by Order of the Director in said docket dated January 10. 1941. Each such transaction was a violation of section 4 II (e) of the Act and Part II (e) of the Code and Rule 1 of section XI of the Marketing Rules and Regulations, resulting in a violation by the Registered Distributor of paragraphs (b) and (e) of the Agree-

4. During the period February 7, 1941 to March 25, 1941, both dates inclusive, while acting as sales agent for the said Pine Hill Mining Company, pursuant to the said sales agency agreement dated September 28, 1940, the Registered Dis-tributor sold for shipment by rail to various purchasers substantial quantities of various sizes of coal produced at the aforesaid Pine Hill Mine which coal was layer loaded on railroad freight cars and sold at the effective minimum price for the smallest size of coal loaded into each car to the following purchasers: Federal Compress & Whsl Co., Car Nos. ICI29791, IC82809 and IC215526; Dyersburg Oil Company, Car No. IC215364; and the Finance Officer, U. S. Army, Car Nos. IC216888 and IC83817, whereas said coal should have been sold at the effective minimum price for each size of coal loaded into said cars, and intentionally misrepresented the sizes of said coal in that it was falsely recorded on invoices therefor as the smallest size loaded on said car. Each such transaction was a violation of section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, resulting in a violation by the Registered Distributor of paragraphs (b), (c) and (e) of the Agreement.

5. During the period December 3, 1940 to June 24, 1941, both dates inclusive, while acting as sales agent for the said

Pine Hill Mining Company, pursuant to the said sales agency agreement dated September 28, 1940, the Registered Distributor sold approximately 11,251 net tons of coal produced at the aforesaid Pine Hill Mine and intentionally mis-represented the sizes of said coal by falsely recording on the invoices therefor sizes other than those actually sold and shipped. Each such transaction was a violation of section 4 II (i) 8 of the Act, Part II (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, resulting in a violation by the Registered Distributor of paragraphs (c) and (e) of the Agreement.

B. Whether or not the registration of said Kirkpatrick Coal Company should be revoked or suspended, or other appropriate penalties should be imposed.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether or not the aforementioned Kirkpatrick Coal Company has committed violations in the respects heretofore described, or either of them, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed, be held at Room 306, P. O. Bldg., Memphis, Tenn. on March 17, 1943, at 10 a. m.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Bituminous Coal Division, duly designated for that purpose, shall preside at the hearing in such matter. officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact, and conclusions and recommendation of an appropriate order in the premises and to perform all other duties therewith authorized by law.

Notice of such hearing is hereby given to said Kirkpatrick Coal Company and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Kirkpatrick Coal Company, with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division within twenty (20) days after date of service hereof on Kirkpatrick Coal Company, and that failure to file an answer herein within such period unless the presiding officer shall otherwise order, shall be deemed to be an admission by Kirkpatrick Coal Company of the commission of the violations hereinbefore described and consent to an entry of an appropriate order thereon.

Notice is also hereby given that any application or applications pursuant to § 301.132 of the rules of practice and procedure before the Division for the disposition of this proceeding without formal hearing must be filed not later than fif-

teen (15) days after receipt by said Distributors of this Notice of and Order for Hearing

All persons are hereby notified that the hearing in the petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 9, 1943.

[SEAT.]

DAN H. WHEELER, Director.

[F. R. Doc. 43-2172; Filed, February 10, 1943; 11:20 a. m.]

[Docket No. B-311]

WERNER BROTHERS

ORDER RESCHEDULING HEARING AND REDESIG-NATING TRIAL EXAMINER

In the matter of Fred J. Werner, also known as Fred Werner, Jr., and William J. Werner, individually and as partners doing business under the name and style

of Werner Brothers, Code Member.

The hearing in the above-entitled matter having been postponed by an Order issued herein dated November 27, 1942, to a time and place to be thereafter designated by an appropriate order; and

The Director deeming it advisable that said hearing should now be rescheduled;

Now, therefore, it is ordered, That the hearing in the above-entitled matter shall be held on March 10, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky; and

It is further ordered, That Charles O. Fowler, or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated: and

It is further ordered, That the Notice of and Order for Hearing issued September 25, 1942, shall, in all other respects, remain in full force and effect.

Dated: February 6, 1943.

[SEAL]

DAN H. WHEELER, Director.

[F. R. Doc. 43-2170; Filed, February 10, 1943; 11:17 a. m.]

[Docket No. 1624-FD]

COAL HILL MINING CO., INC.

ORDER WITHDRAWING NOTICE OF AND ORDER FOR HEARING, CANCELLING HEARING, AND TERMINATING MATTER WITHOUT PREJUDICE

In the matter of Coal Hill Mining Co., Inc., Registration No. 1675.

The above-entitled matter having been instituted by Notice of and Order for Hearing dated April 24, 1941, and the hearing herein having been indefinitely postponed by subsequent order of the Director to a date and place to be thereafter designated by an appropriate order; and

It appearing that certain of the transactions set forth in the said Notice of and Order for Hearing were the subject of a final order of the Director entered in the matter of Coal Hill Mining Co., Inc., Registered Distributor, Registration No. 1675, Docket No. B-308, on Feb- the Fair Labor Standards Act of 1938.

ruary 3, 1943, providing, among other things, for suspension of the registration of said Coal Hill Mining Co., Inc. as a registered distributor, and that the Order of the Division indicated in the instant proceeding to have been violated by said Coal Hill Mining Co., Inc. is the same Order of the Division, among others, found by the Director in said Docket No. B-308 to have been violated by the said distributor; and

It appearing to the Director that said Notice of and Order for Hearing should be withdrawn and the above-entitled matter should be terminated without prejudice:

Now, therefore, it is ordered, That the said Notice of and Order for Hearing dated April 24, 1941, be and the same hereby is withdrawn;

It is further ordered. That the hearing heretofore scheduled in the above-en-titled matter be and it hereby is cancelled; and

It is further ordered, That the aboveentitled matter be and the same is terminated without prejudice.

Dated: February 9, 1943.

DAN H. WHEELER, Director.

[F. R. Doc. 43-2173; Filed, February 10, 1943; 11:21 a. m.]

[Docket No. C-21]

CHICAGO RETORT & FIRE BRICK CO.

ORDER POSTPONING HEARING UNTIL FURTHER ORDER

In the matter of the application of Chicago Retort & Fire Brick Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at a mine of Chicago Retort & Fire Brick Company in La Salle County, Illinois, District No. 10, having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937; and

A hearing in this matter having been scheduled to be held on February 25, 1943; and

It appearing appropriate that said hearing should be postponed until further order:

Now, therefore, it is ordered, That the hearing in the above-entitled matter, heretofore scheduled to be held on February 25, 1943, be, and it hereby is, post-poned until further order.

Dated: February 9, 1943.

DAN H. WHEELER, Director.

[F. R. Doc. 43-2174; Filed, February 10, 1943; 11:21 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Gar-ments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R.

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of Feb-

ruary 20, 1940, as amended by Administra-tive Order of September 20, 1940 (5 F.R.

Hosiery Learner Regulations, September 4,

1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October

10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom
Made and Popular Priced, August 29, 1940

(5 F.R. 3392, 3393) Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30,

1940 (5 F.R. 4302). Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective February 11, 1943. The certificates may be cancelled in the manner provided in the regulations and as Indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-UCT, NUMBER OF LEARNERS AND EXPIRATION

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Barson & Bishop, Railroad Street, Lehighton, Pennsylvania; Ladies' shirt waists, blouses, sportswear; 10 percent (T); February 11, 1944.

The C. B. Cones & Son Manufacturing Company, 18-24 N. Senate Ave., Indianapolis, Indiana; Overalls, work shirts, coveralls, pants; 10 percent (T); February 11, 1944.

M. Janowitch & Sons, Main and Market Streets, Mahanoy City, Pennsylvania; Ladies' dresses and blouses; 10 percent (T); February 11, 1944.

William J. Knorr, 6th and Colliery Avenue, Tower City, Pennsylvania; Sport shirts and jackets; 10 learners (T); February 11, 1944.

Riverside Manufacturing Company, W. Central Avenue, Moultrie, Georgia; Work trousers, shirts and one-piece suits; 10 learners (T); February 11, 1944.

The Roleir-Alko Company, 350 N. 16th Street, Philadelphia, Pennsylvania: Men's shirts, pajamas and shorts; 10 per-

cent (T); February 11, 1944.
Suffolk Overall Company, Inc., Eugenie and Newport Streets, Suffolk, Virgenie and Street, Suffolk, Virgenie and Str ginia; Overalls, pants and coveralls; 10

learners (T); February 11, 1944. Tri-State Garment Corporation, 106 Vine Street, Evansville, Indiana; Trousers; 50 learners (E); August 11, 1943.

#### Knitted Wear

Intermountain Knitting Mills, Inc., 1879 Washington Blvd., Ogden, Utah; Fabric and knitted outerwear; 5 learners (T); February 11, 1944.

Signed at New York, N. Y., this 9th day of February 1943.

> MERLE D. VINCENT, Authorized Representative of the Administrator.

[F. R. Doc. 43-2143; Filed, February 10, 1943; 9:24 a. m.]

### LEARNER EMPLOYMENT CERTIFICATES

### KATE B. MANN TUCKING

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective February 11, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS

LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Kate B. Mann Tucking, 614 West 9th Street, Los Angeles, California; Embroidery; 1 learner (T); Tucking Machine Operations for a learning period of 320 hours at 30¢ per hour until April 22, 1943,

Signed at New York, N. Y., this 9th day of February 1943.

> MERLE D. VINCENT. Authorized Representative of the Administrator.

[F. R. Doc. 43-2142; Filed, February 10, 1943; 9:24 a. m.]

No. 29-6

CIVIL AERONAUTICS BOARD.

[Docket Nos. 9-401 (B)-2, 465]

EASTERN AIR LINES, INC., AND TRANSCONTINENTAL & WESTERN AIR, INC.

#### NOTICE OF ORAL ARGUMENT

In the matter of the applications of Eastern Air Lines, Inc., and Transcontinental and Western Air., Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on February 24, 1943, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., February 9. 1943.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS. Acting Secretary.

[F. R. Doc. 43-2177; Filed, February 10, 1943; 11:32 a. m.]

#### [Docket Nos. 433, 4681

UNITED AIR LINES TRANSPORT CORP., AND TRANSCONTINENTAL AND WESTERN AIR ..

### NOTICE OF ORAL ARGUMENT

In the matter of the applications of United Air Lines Transport Corporation and Transcontinental and Western Air., Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on February 25, 1943, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.
Dated Washington, D. C., February 9,

1943.

By the Civil Aeronautics Board.

FRED A. TOOMBS. Acting Secretary.

[F. R. Doc. 43-2178; Filed, February 10, 1943; 11: 32 a. m.]

### FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 6487]

PARKER BROTHERS & Co. INC. (WDUG)

### NOTICE OF HEARING

In re application of: Parker Brothers & Co., Inc. (WDUG); dated December 9, 1942; for renewal of license; class of service, ship; class of station, ship; location, Houston, Texas (Gulf Area); operating assignment specified: frequency, 2100-2800 kcs.; power, 100 w.; emission, A-3.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following

Whether or not the facilities and operation of Station WDUG are in compliance with §§ 8.27, 8.35 (a), and 8.109 of the Commission's Rules and Regulations.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Parker Brothers & Co., Inc., 5303 Navigation Street, Houston, Texas.

Dated at Washington, D. C., February 8, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 43-2159; Filed, February 10, 1943; 10:54 a. m.]

## FEDERAL SECURITY AGENCY.

### Food and Drug Administration. [Docket No. 29 (a)]

DEFINITIONS AND STANDARDS OF IDENTITY FOR CREAM CHEESE, NEUFCHATEL CHEESE. COTTAGE CHEESE, AND CREAMED COTTAGE CHEESE

### NOTICE OF POSTPONEMENT OF HEARING

The E. I. du Pont de Nemours & Company, by its attorney, having applied for postponement of the date for holding the above-entitled hearing, heretofore ordered to be held on March 2, 1943, and having shown grounds for its request;

Now, therefore, it is ordered. That the date for holding the above-entitled hearing be and hereby is postponed to April 6, 1943, and that it begin at 10:00 A. M. on that day.

[SEAL]

WATSON B. MILLER, Acting Administrator.

FEBRUARY 8, 1943.

[F. R. Doc. 43-2157; Filed, February 10, 1943; 10:59 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4857]

PLAZA LUGGAGE & SUPPLY Co., INC., AND U. S. LUGGAGE & LEATHER PRODUCTS CO.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 9th day of February A. D. 1943.

In the matter of Plaza Luggage & Supply Company, Inc., a corporation; Benjamin Goldstein and Abraham Goldstein, copartners, trading and doing business as U. S. Luggage & Leather Products Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, March 9, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Hearing Room, Hotel St. George, Brooklyn, New York.

St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 43-2176; Filed, February 10, 1943; 11:30 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 209]

JOSEPH MEADE

ORDER RESTRICTING TRANSACTIONS

Joseph Meade, Thirty-fourth and Spring Garden Streets, Philadelphia, Pennsylvania, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Philadelphia, Pennsylvania, on December 2, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Chairman of the Industry Council, It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station located at Thirty-fourth and Spring Garden Streets, Philadelphia, Pennsylvania.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502) in that between July 22, 1942, and November 4, 1942, at the aforesaid station, respondent transferred and delivered gasoline into the fuel tanks of motor vehicles and accepted in exchange therefor 100 Class A, No. 3 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in eastern Pennsylvania, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Chairman of the Industry Council that further violations by respondent are likely unless appropriate administrative action is taken, It is therefore ordered:

(c) During the period in which this Suspension Order No. 209 shall be in

effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver, any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to

respondent for resale.

(d) Any terms used in this Suspension Order No. 209 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 209 shall become effective 12:01 A. M. February 19, 1943, and unless sooner terminated, shall expire 12:01 A. M. March 6,

1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Dir. No. 1 and Supp. Dir. No. 1Q (7 F.R. 9121))

Issued this 9th day of February 1943.

Louis H. Harris, Chairman of the Industry Council.

[F. R. Doc. 43-2124; Filed, February 9, 1943; 12:52 p. m.]

Regional Office, Region L.

[Emergency Order 1, Amendment 1 Under Ration Order 11]

Kerosene Shortage in New England Area

Pursuant to the authority conferred upon the Regional Administrator by § 1394.5715 of Ration Order No. 11, as amended, paragraphs (a) and (f) of Emergency Order No. 1 are amended to read as follows:

(a) Findings. The Regional Administrator finds that in the States of Connecticut, Massachusetts and Rhode Island and in the Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Sullivan and Strafford in the State of New Hampshire (hereinafter referred to as the kerosene shortage area) as the result of the continuing inadequacy of supply, there still exists in such area an emergency in the transportation and distribution of No. 1 fuel oil, (commonly known as range oil or kerosene), hereinafter referred to as kerosene, which endangers the public health, the public welfare and the war effort.

(f) Effective period. Emergency Order No. 1 shall terminate at 12:00 p.m. February 17, 1943 unless extended by further order.

Effective date of Amendment 1.
Amendment 1 to Emergency Order No.
1 shall become effective February 8, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719, Ration Order No. 11, 7 F.R. 8480)

Issued this sixth day of February 1943.

KENNETH B. BACKMAN, Regional Administrator.

[F. R. Doc. 43-2123; Filed, February 9, 1943; 12:53 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 54-64, 59-60]

INDIANA HYDRO-ELECTRIC POWER CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of February 1943.

In the matter of Indiana Hydro-Electric Power Company; Hugh M. Morris, trustee of the estate of Midland United

Company.

Indiana Hydro-Electric Power Company, a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan of recapitalization of said Indiana Hydro-Electric Power Company; and the Commission having issued, on December 23, 1942, an order for hearing on such plan, and an order instituting proceedings and for hearing under sections 11 (b) (2), 15 (f), and 20 (a) with respect to Indiana Hydro-Elec-tric Power Company and Hugh M. Morris, Trustee of the Estate of Midland United Company; and said order having consolidated the matters and designated February 16, 1943, as the date for public hearing in the consolidated matters embraced by said order; and

Hugh M. Morris, Trustee of the Estate of Midland United Company, having requested that the hearing in this matter be postponed; and the Commission having considered said request and deeming it appropriate that said request be granted, and that the hearing be postponed to April 5, 1943;

It is ordered, That the hearing in this matter, previously scheduled for February 16, 1943, be and hereby is postponed to April 5, 1943, at the same time and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-2141; Filed, February 9, 1943; 2:23 p. m.]

[File No. 70-611]

ASSOCIATED ELECTRIC COMPANY AND LOUISI-ANA PUBLIC UTILITIES Co., INC.

ORDER AUTHORIZING TRANSFER OF SECURITIES AND ASSETS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February, A. D. 1943.

The Commission having on December 30, 1942, issued its order herein (Holding Company Act Release No. 4031) with respect to the sale and transfer by Associated Electric Company of the following securities and assets owned by said com-

Common stock of Louisiana Public Utilities Company, no par value, 11,000 shares stated at \$535,000 First Mortgage Gold Bonds, 6%, due December 1, 1945, issued by Louisiana Public Utilities Com-

pany, principal amount\_\_\_\_\_ 2,892,000 Open account indebtedness owed Louisiana Public Utilities Company, bearing interest when, as and if earned, principal

amount (as of August 31, 1942) \_\_ 1, 431, 884

Associated Electric Company having requested that the Commission supplement such order so as to set forth the recitals specified in, and conform to, Sections 371 (b), 373 (a), and 1808 (f) of the Revenue Code as amended, and the Commission finding that the foregoing securities and assets constitute all the interest of Associated Electric Company in Louisiana Public Utilities Company; that the transfer thereof in accordance with the terms and conditions of said order dated December 30, 1942, is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to effectuate a certain divestment order (Holding Company Act Release No. 3729) issued by the Commission August 13, 1942, pursuant to said section, in a proceeding entitled "In the Matter of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Respondents, File No. 59-32;" and that said transfer by Associated Electric Company is necessary or appropriate to the integration or simplification of the holding company system, of which said transferor corporation is a member, within the meaning of section 371 (b) of the Revenue Code as amended, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, within the meaning of section 1808 (f) of the Revenue Code as amended;

It is hereby ordered, That said order of the Commission dated December 30, 1942. and the instant order shall be deemed to supplement said divestment order dated August 13, 1942; and that said order of the Commission, dated December 30, 1942, be, and is hereby, supplemented so as to include as part thereof the foregoing findings; and that on the basis of said findings, the sale and transfer of the securities and assets above described be and they hereby are authorized, permitted, and approved to effectuate the provision of section 11 (b) of the Public Utility Holding Company Act of 1935,

within the meaning of section 373 (a) of the Revenue Code as amended.

By the Commission.

ORVAL I. DUBOTS Secretary.

[F. R. Doc. 43-2140; Filed, February 9, 1943; 2: 23 p. m.]

## WAR MANPOWER COMMISSION.

RECRUITMENT, TRAINING AND EMPLOYMENT OF WOMEN WORKERS

The increase in our armed forces and the expansion of the war production program necessitate the maximum utilization of our labor resources. The present number of gainfully employed workers, both men and women, is inadequate to fill even the immediate requirements of the war production program. In many areas the lack of adequate housing and transportation facilities compels full use of the local labor supply. These considerations require that substantially increased numbers of women be employed in gainful occupations in war production and essential civilian employment, especially in areas of labor scarcity. The recruitment and training of women workers must be greatly expanded and intensified. In carrying out this program for the utilization of women workers, normal family life should be preserved and maintained to the maximum extent consistent with all-out production. The active cooperation of Government agencies, educational institutions, management, labor, and women able to accept employment is essential.

To promote the rapid and orderly induction of women into the labor market and to insure their subsequent employment and training opportunities, the War Manpower Commission hereby declares as basic national policies for the recruitment, referral, training and employment of women that:

I. Recruitment and referral of women workers. (a) Qualified women who are unemployed and who are registered in local offices of the United States Employment Service be referred to employment and training opportunities on a basis of equality with men, due regard being given to their qualifications for the available work, to the physical requirements of the occupations, and to working conditions;

(b) Women without children under 14 years of age be actively recruited for employment and training, but this principle shall not be construed to mean that women who are responsible for the care of young children and who desire work are to be deprived of an opportunity for training or employment;

(c) Special efforts to secure the employment of women with young children be deferred until all other sources of local labor supply have been exhausted, in order that established family life will not be unnecessarily disrupted;

(d) In those areas in which industrial concentration and lack of housing, transportation, and other community facilities compels the fullest utilization of every labor resource in the locality, every effort be made to utilize fully,

women qualified and able to contribute to war production or essential civilian employment before workers are recruited from outside the locality:

(e) Adequate facilities be provided for the care of the children of working mothers, which facilities should be developed as approved community projects and not under the auspices of individual employers or employer groups;

(f) Every effort be made to recruit and refer women, including older women, for employment or training on the basis of their qualification for an occupation without discrimination because of race, national origin, or creed.

II. Training of women workers. Where pre-employment training is desirable and employment opportunities are or will be available, women be referred war production pre-employment training courses conducted by public vocational schools on a basis of equality with men; that is, on the basis of their qualification for the occupation in which training is offered, due consideration being given to the physical requirements of the occupation:

(b) Women be admitted on a basis of equality with men to enrollment in the Engineering, Science, and Management War Training Program conducted by colleges, universities, and technical schools in cooperation with the United States

Office of Education:

(c) Women workers now employed be encouraged to enroll in supplementary war training courses conducted by public vocational schools, in order that a greater number of women may prepare themselves for additional responsibilities and for upgrading within the plant;

(d) Women participate equally with men in plant training programs. Such programs should include adequate induction training, on-the-job training, upgrading, training for women foremen and supervisors, and technical training.

III. Employment of women workers. (a) Management and labor organizations remove all barriers to the employment of women in any occupation for which they are or can be fitted:

(b) Every method available be utilized to assure that women workers be completely accepted as a part of the Nation's manpower needed for all-out production;

(c) In order to provide a basis for efficient selection of women for training and job assignment and to increase the number of women employed, management immediately analyze all occupations within the plant from the unskilled to the technical levels; determine the types of work that women could do; take steps to prepare the plant for the maximum employment of women; consult with its supervisory staff and representatives of its employees' labor organizations in order to promote acceptance of women as co-workers and to help new women employees adjust to their working environment; and periodically review practices and policies and make such additional adjustments as are necessary to obtain full utilization of

(d) Wage rates, including the entrance rate, be determined for all workers on the basis of the work performed,

irrespective of sex;

(e) The following basic principles whether or not incorporated in State laws and regulations be applied and preserved in order to promote maximum production efficiency and to safeguard the health and welfare of women workers:

(1) One day of rest in seven;

(2) An 8-hour shift and a maximum 48-hour week, except to the extent that temporary exemptions under adequate safeguards are necessary to meet emergencies;

(3) Adequate meal and rest periods or time, and proper facilities therefor; adequate medical care and other safeguards

for health and safety;

(f) Every reasonable effort be made to adjust assignments to shifts of women with young children, in such manner as will cause the least disruption in their

family life.

TV. Women able to accept employment. (a) Upon advice from a representative of the War Manpower Commission that additional women workers are required in their locality because of existing or imminent labor shortages, all women able to accept employment register for employment or training with the nearest local office of the United States Employment Service;

(b) Women interested in work outside their locality not leave their own community in search of work or training in another community without first:

(1) Registering for employment at the nearest local office of the United States

Employment Service; and

(2) Securing advice from such office that such work or training is available.

PAUL V. MCNUTT,

Chairman.

OCTOBER 17, 1942.

[F. R. Doc. 43-2154; Filed, February 10, 1943; 10:45 a. m.]

# EMPLOYMENT OF WOMEN WITH YOUNG CHILDREN

Amendments to Policy on Employment in Industry of Women with Young Children

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders No. 9139 and 9279, the "Policy on Employment in Industry of Women with Young Children" approved by the War Manpower Commission on July 29, 1942, is hereby amended to read as follows:

The expansion of the war production program, as well as the increasing requirements of our armed forces, necessitates the maximum utilization of our labor resources. In many areas the lack of adequate housing and transportation facilities compels full use of the local labor supply. These considerations make it necessary to employ large numbers of women in gainful occupations useful to the war effort. Appropriate measures have been and are being taken to provide for the recruitment and training of additional women. Prospective war produc-

tion schedules indicate that such measures must be considerably expanded and intensified. In carrying out the Nation's program for the utilization of women workers, it is important that to the maximum extent, normal family life be preserved and maintained.

To promote that end, and to promote the effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war, the War Manpower Commission hereby declares

the following basic policies:

I. The first responsibility of women with young children, in war as in peace is to give suitable care in their own

homes to their children.

II. In order that established family life may not be unnecessarily disrupted, special efforts to secure the employment in industry of women with young children should be deferred until full use has been made of all other sources of labor supply.

III. Barriers against the employment of women with young children should not be set up by employers. The decision as to gainful employment should in all cases be an individual decision made by the woman herself in the light of the particular conditions prevailing in her home.

IV. Whenever it is found that women with young children are gainfully employed in essential activities, or that the labor requirements of essential activities have not been met after the exhaustion of all other sources of labor supply and that to meet such requirements, women with young children must be recruited, it is essential that:

(a) Such women be employed at such hours, on such shifts or on such part-time schedules as will cause the least disruption in their family life; and

(b) If any such women are unable to arrange for the satisfactory care of their children at home during their working hours, adequate facilities be provided for the care of their children during working hours. Such facilities should be developed as community projects and not under the auspices of individual employers or employer groups.

PAUL V. McNutt, Chairman.

JANUARY 13, 1943.

[F. R. Doc. 43-2155; Filed, February 10, 1943; 10:45 a. m.]

# EMPLOYMENT OF YOUTH UNDER 18 YEARS OF AGE

The necessary expansion of our military and industrial personnel requires maximum utilization of all available and potential sources of labor. These potential sources include youth between the ages of 14 and 18 years whose services would not be immediately required in normal times. If employed, however, it should be only under conditions which adequately safeguard their physical and intellectual development.

The first responsibility and obligation of youth under 18 even in war time is to take full advantage of their educational opportunities in order to prepare themselves for war and post-war services and for the duties of citizenship. It is essential that young people have the fullest possible opportunity consistent with the war effort to complete their education. Those with special aptitudes and capacity for further training should continue their education in order to develop their maximum abilities applicable to war and post-war needs.

In most cases youth under 18 can best contribute to the war program by continuing in school and, when their services are required, accepting vacation and part-time employment. However, it is recognized that the demands of the war period will increase the number who in normal times leave school to enter fulltime employment before reaching 18. In any case, all forms of employment of such youth, including employment in agriculture, must be specially safeguarded. Their services must be used in such ways as to bring about their maximum contribution to manpower needs consistent with the protection of their health and welfare and the fullest utilization and development of their aptitudes, abilities, and interests. The achievement of those objectives requires the active cooperation of young people, their parents, Government agencies, educational authorities, management and labor.

To promote proper utilization of the labor resources of youth with due regard to the welfare of youth and the future needs of the Nation, the War Manpower Commission hereby declares as basic

National policy that:

1. School attendance laws and childlabor standards embodied in State and Federal laws be preserved and enforced, and the minimum standards hereinafter listed not be construed to warrant any relaxation of these laws or lowering of the standards embodied in them;

2. No one under 14 years of age be employed full-time or part-time as a part

of the hired labor force;

Youth under 18 years of age be employed only:

a. After the employer obtains proof of age in the form of employment or age certificates or, in case such certificates are not legally required, other reliable evidence;

b. In work suited to their age and strength, avoiding all occupations that are hazardous or detrimental to health or welfare;

c. Where provision is made for adequate meal and rest periods of time, and facilities therefor, adequate sanitary facilities; and safeguards for health and

safety;

d. For periods suited to their age and strength, and in no case for more than 8 hours a day or 6 consecutive days, except as deviations may be necessary where the worker is engaged in continuing farm work of a non-seasonal character and is domiciled at the place of employment, or except as temporary departures from the above standard under adequate safeguards, where permitted for youth aged 16 and 17 under existing Federal or State laws, rules or regulations, may be necessary to meet a special emergency;

e. During hours of day not detrimental to their health and welfare; and

f. At wages paid adult workers for

similar job performance;
4. Youth aged 14 or 15 be employed only when, in addition to the foregoing conditions

a. Qualified older workers are not available; and

b. The employment is not in manufacturing or mining occupations:

5. In-school youth be employed only to the extent that the combined school and work activities involve no undue strain, and that combined school and work hours, at least for youth under 16, not exceed 8 a day;

6. In-school youth not be employed during school hours unless the Area or Regional Manpower Director has determined that temporary needs of an emergency character cannot be met by full use of other available sources of labor, in which case school programs shall be adjusted under plans that:

a. Provide for the educational progress of those who take employment;

b. Avoid interference with the school attendance of those who do not take em-

ployment; and

c. Avoid the closing of any school or grades therein, except to the extent that the hours, terms or curricula are readjusted to preclude the curtailment of

educational opportunities;

7. When war-time emergency cooperative arrangements have been entered into with school authorities for the parttime employment of in-school youth as a part of the school program, the employer be responsible for certifying to the school authorities that such employment will be in conformity with State and Federal laws governing the employment of minors and with the standards contained in Sections 3 to 7 above, and the school authorities be responsible for permitting school children to take only those jobs that will contribute definitely to their educational welfare and useful work experience;

8. When it is necessary to transport young people to and from work, safe and adequate means of transportation be provided, and the period of work and transportation not exceed 10 hours a

9. Where youth under 18 years of age are recruited in groups for agricultural work requiring them to live away from home, prior to placement, assurances be furnished by appropriate community or other agencies that suitable living conditions, sanitary facilities, health protection, supervision, and leisure-time activities will be provided; and in no case youth aged 14 or 15 be recruited for work requiring them to live away from home except where such work is in connection with programs conducted by recognized youth-serving agencies that provide close supervision;

10. Any youth interested in work in another area not leave his own area in search of work without first:

a. Registering for employment at the nearest local office of the United States Employment Service or such other agency as may be designated by the War. Manpower Commission;

b. Presenting evidence of parental consent: and

c. Being referred by such office to a specific job opening where he can be lawfully employed, and where there are suitable arrangements for housing.

> PAUL V. MCNUTT. Chairman.

JANUARY 30, 1943.

[F. R. Doc. 43-2156; Filed, February 10, 1943; 10:45 a. m.]

## WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF IS-SUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 10, 1943.

CURTIS E. CALDER. Director General for Operations.

#### SCHEDULE A

Name and address of the builder	Projects affected	Date of issuance of stop con- struc- tion order
Iowa State Highway Commission, Ames, Iowa. U. S. Dept. of Agri- culture, Forest Service, Portland, Oreg.	Iowa FAS 524-A (1) Deloit Northeast to Boyer. Access roads—West Fork—Stillwater, Mont. 2, Custer National Forest.	2/2/43

[F. R. Doc. 43-2152; Filed, February 10, 1943; 10:21 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS RE-VOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 10, 1943.

CURTIS E. CALDER, Director General for Operations.

### SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revo- cation order
P-19-h	43060	Calvary Baptist Church, Birmingham, Mich.	Church Ediffee, Birmingham, Mich.	2/5/48
P-19-e	43499	U. S. Dept. of Agriculture, Forest Serv-	Suiattle River Road, Portland, Oreg	2/5/43
Р-19-е	22192	ice, P. O. Box 4137, Portland, Oreg. Missouri State Highway Commission,	U. S. Highway #66 Mo. SN-FA 176-J	2/5/43
P-19-e	95-е	Jefferson City, Mo. Colorado State Hwy. Dept., Denver,	(1). North of Meeker, Col., FAP 151-H(1)	2/5/43
P-19-e	369-е	Colo. State Highway Board of Georgia, At-	Const. Div. #1 and #2, Atlanta, Ga., FAS 248-A(1)	2/6/43
P-19-e	30301	lanta, Ga. Colorado State Hwy. Dept., Denver,	Colo. AI-FAP 103 H (1)	2/2/43
P-19-e	352-е	Colorado State Hwy. Dept., Denver,	Federal-aid Sys. of Hwys. FAP 259-H	2/2/43
P-19-e	20880	Colo. Louisiana State Hwy. Dept., Baton	(4), FAP 259-I (2), FAP 259-J (2). La. SN-FAP-WPGH 19I-A (1)	2/2/43
P-19-e	26846-е	Ronge, La. Colorado State Hwy. Dept., Denver, Colo.	U. S. 85 South of Denver, Colo., AW-FAP 1 (5).	2/2/43

[F. R. Doc. 43-2149; Filed, February 10, 1943; 10:21 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF IS-SUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the

Issued February 10, 1943.

CURTIS E. CALDER. · Director General for Operations.

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revoca- tion order
P-19-a	5988	Wisconsin Public Service Corp. Mil-	Green Bay, Wis	2/5/43.
P-19-e	368-е	Waukee, Wis. Georgia State Hwy. Board, Atlanta, Ga.	Federal Aid Proj., FAP 2649-B (1), FAP 186-E (1), FAP 2648-C (1), FAP 2717-B (1). FAP 2727-A (1).	2/2/43.
P-19-e	672-e	"Georgia State Hwy. Board Atlanta,	FAP 511-H (1), FAP 2717-O (1)	2/2/43.
P-19-e-A	886-е		Federal-Aid Sys. FAP 2717-A (1)	2/5/43.
P-19-e	388-е	Ga. Georgia State Hwy. Board Atlanta, Ga.	Federal-Aid Sys. Forest Hwy. 3-A (2), FAS 105-A (2), FAS 16-B (1).	2/5/43.

[F. R. Doc. 43-2150; Filed, February 10, 1943; 10:22 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF IS-SUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND PARTIALLY STOPPING CON-STRUCTION OF CERTAIN PROJECTS .

The Director General for Operations of the War Production Board has issued certain orders partially stopping construction and partially revoking applicable preference ratings stopping the construction of the project affected and partially revoking the ratings applicable thereto which orders are listed in Schedule A below. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers effected shall refer to the specific order issued to the builder.

Issued February 10, 1943.

CURTIS E. CALDER, Director General for Operations.

SCHEDULE A

Name and address of builder	Project affected	Date of issuance of Revo- cation Order
U. S. War Depart- ment, Corps of Engineers, Wash- ington, D. C.	Flood Control Project, Barker Dam, Buf- falo Bayou, Tex.	2/5/43

[F.R. Doc. 43-2151; Filed, February 10, 1943; 10: 22 a. m.1

[Preference Rating Order P-19-h, Serial No. 24402]

### RESTORATION OF PREFERENCE RATING

Name of builder: Tennessee Valley Authority; address: Knoxville, Tennessee; project: construction of four publicuse terminals, Tennessee River.

The revocation issued December 12, 1942, of the above Preference rating order, Serial Number 24402, is hereby cancelled; the ratings assigned by said preference order are hereby restored; and said preference rating order shall be in full force and effect, as hereinafter amended.

Preference Rating Order P-19-h, Serial Number 24402, is hereby amended to expire on June 30, 1943.

Issued February 10, 1943.

CURTIS E. CALDER, Director General for Operations.

[F. R. Doc. 43-2148; Filed, February 10, 1943; 10:22 a. m.]

### [Certificate 30]

TELEPHONE OPERATORS SURPLUS MATERIALS

PLAN FOR VOLUNTARY REDISTRIBUTION

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit herewith a plan for the voluntary redistribution of surplus materials among telephone operators, which I have requested all telephone operators and manufacturers of telephone communication equipment to place in operation.

Pursuant to the aforesaid section 12, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan, is requisite to the prosecution of the war.

> DONALD M. NELSON, Chairman.

FEBRUARY 6, 1943.

Plan for Voluntary Redistribution of Surplus Materials Among Telephone **Operators** 

1. Each telephone operator is to be required to list certain materials in his inventory which he considers to be surplus, on forms established by the War Production Board (amendment to Order P-130 will provide this).

2. The Communications Equipment Division of the War Production Board, upon receipt of the forms from operators, will prepare catalogues of such material (bare copper wire, lead covered cable, station equipment and central office equipment) and forward the same to the manufacturer who manufactured the items.

3. The Communications Equipment Division of the War Production Board will request all operators and manufacturers to follow the following plan:

(a) When a telephone operator places an order with the manufacturer to obtain, let us say, station equipment, the manufacturer will consult the catalogue of surplus station equipment supplied him by the War Production Board. If

the manufacturer finds such equipment listed therein, he will so advise the operator and provide him with the name and address of the operator owning that particular item. The operator is asked to satisfy his requirements for such equipment by ordering it from the operator who has listed it as surplus.

(b) To prevent the price factor from prohibiting the workability of the plan, operators are requested to sell, f. o. b., the seller's shipping point, (subject to lower maximum price regulations hereafter established by the Office of Price Administration) at prices not in excess of those established in accordance with the following schedule:

Percent of current price new

(f. o. b. selling operator's shipping point) Class of material Used unrepaired material (except lead covered paper insulated cable and bare copper line wire)\_\_\_\_\_Used and repaired material (except lead 25 covered paper insulated cable and bare copper line wire) \_\_\_\_ Equipment rebuilt and guaranteed by the manufacturer and not used since re-New (unused) material\_\_\_\_\_ building\_. Used unrepaired lead covered paper insulated cable... 60 Used and repaired lead covered paper insulated cable.
Used unrepaired bare copper line wire... 95 Used and repaired bare copper line wire\_\_

(c) If for any reason the material ordered by one operator from the inventory surplus of another operator cannot satisfy the requirements of the buyer (i. e., if it requires extensive repairs and the manufacturer cannot effect such repairs in time to meet the buyer's needs; or if equipment cannot be adapted to use in the buyer's plant; etc.), the buyer may properly place an order with the manufacturer to supply the item new.

[F. R. Doc. 43-2161; Filed, February 10, 1943; 11:09 a. m.]

[Certificate 31]

OVERSEAS STEEL CONTAINER CORP.

PROPOSED PLAN FOR ORGANIZATION AND **OPERATION** 

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit herewith a proposed plan for the organization and the operation of Overseas Steel Container Corporation and the participation therein of various companies in the steel shipping container industry.

For the purpose of the aforesaid section 12, I have approved this plan; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in the formulation and execution of such plan is requisite to the prosecution of the war.

DONALD M. NELSON, Chairman.

FEBRUARY 8, 1943.

(F. R. Doc. 43-2160; Filed, February 10, 1943; 11:09 a. m.]